

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

APPEAL NO. 18-11183-JJ

UNITED STATES OF AMERICA

Plaintiff-Appellee,

v.

ANDREW RYAN LESLIE

Defendant-Appellant.

APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF FLORIDA

APPENDIX

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Federal Defender

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Appellate Division
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Counsel for Appellant

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Tab A

**U.S. District Court
Middle District of Florida (Jacksonville)
CRIMINAL DOCKET FOR CASE #: 3:16-cr-00154-BJD-JBT-1**

Case title: USA v. Leslie
Magistrate judge case number: 3:16-mj-01265-MCR

Date Filed: 10/27/2016
Date Terminated: 03/07/2018

Assigned to: Judge Brian J. Davis
Referred to: Magistrate Judge Joel B. Toomey
Appeals court case number: 18-11183-J

Defendant (1)

Andrew Ryan Leslie
CUSTODY
TERMINATED: 03/07/2018

represented by **Adeel Bashir**
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400 N Tampa St
Tampa, FL 33602-4726
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community
Defender Appointment

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Federal Public Defender's Office
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Jacksonville, FL 32202
904/232-3039
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community
Defender Appointment

Pending Counts

18:2251.F SEXUAL EXPLOITATION OF
CHILDREN
(1)

Disposition

Imprisonment: 720 months, this term consists of 360 months on each of Counts One and Two of the Indictment, all such terms to run consecutively.; Supervised Release: Life-Term, this term consists of Life-Terms as to Counts One and Two of the Indictment, all such terms to run concurrently.; Special Assessment: \$100.00, Restitution: the victims'

18:2251.F SEXUAL EXPLOITATION OF
CHILDREN
(2)

losses are undetermined and the Court shall set a date for the final determination of the victims' losses within 90 days of the date of the sentencing.

Imprisonment: 720 months, this term consists of 360 months on each of Counts One and Two of the Indictment, all such terms to run consecutively.; Supervised Release: Life-Term, this term consists of Life-Terms as to Counts One and Two of the Indictment, all such terms to run concurrently.; Special Assessment: \$100.00, Restitution: the victims' losses are undetermined and the Court shall set a date for the final determination of the victims' losses within 90 days of the date of the sentencing.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:2252A.F ACTIVITIES RE MATERIAL
CONSTITUTING/CONTAINING CHILD
PORNO

Disposition

Plaintiff

USA

represented by **David Rodney Brown**
US Attorney's Office - FLM
Suite 700
300 N Hogan St
Jacksonville, FL 32202
904/301-6300
Email: rodney.brown@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Elizabeth Britsch
US Department of Justice
1400 New York Ave NW
Washington, DC 20530
202/514-2220

USCA11 Case: 18-11183 Document: 17 Date Filed: 06/08/2018 Page: 6 of 205

Email: lauren.britsch@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/18/2016	1	COMPLAINT (FILED IN OPEN COURT) as to Andrew Ryan Leslie (1). (SHS) [3:16-mj-01265-MCR] (Entered: 10/19/2016)
10/18/2016		Arrest of Andrew Ryan Leslie on 10/18/2016 (SHS) [3:16-mj-01265-MCR] (Entered: 10/19/2016)
10/18/2016	2	Minute Entry for proceedings held before Magistrate Judge Monte C. Richardson: Initial Appearance as to Andrew Ryan Leslie held on 10/18/2016. (Digital) (SHS) [3:16-mj-01265-MCR] (Entered: 10/19/2016)
10/18/2016	3	ORAL MOTION to Appoint Counsel by Andrew Ryan Leslie. (SHS) [3:16-mj-01265-MCR] (Entered: 10/19/2016)
10/18/2016	4	***CJA 23 Financial Affidavit (FILED IN OPEN COURT) by Andrew Ryan Leslie (SHS) [3:16-mj-01265-MCR] (Entered: 10/19/2016)
10/18/2016	5	ORAL MOTION for detention, ORAL MOTION to Continue Detention Hearing by USA as to Andrew Ryan Leslie. (SHS) [3:16-mj-01265-MCR] (Entered: 10/19/2016)
10/18/2016	8	Assertion of Fifth and Sixth Amendment Right (FILED IN OPEN COURT) by Andrew Ryan Leslie (SHS) [3:16-mj-01265-MCR] (Entered: 10/19/2016)
10/19/2016	6	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Andrew Ryan Leslie Mark Rosenblum for Andrew Ryan Leslie appointed. Signed by Magistrate Judge Monte C. Richardson on 10/18/2016. (SHS) [3:16-mj-01265-MCR] (Entered: 10/19/2016)
10/19/2016	7	ORDER OF TEMPORARY DETENTION as to Andrew Ryan Leslie(Detention Hearing set for 10/21/2016 at 11:00 AM in Jacksonville Courtroom 5 C before Magistrate Judge Monte C. Richardson.) Signed by Magistrate Judge Monte C. Richardson on 10/18/2016. (SHS) [3:16-mj-01265-MCR] (Entered: 10/19/2016)
10/20/2016	9	NOTICE OF ATTORNEY APPEARANCE Lauren Elizabeth Britsch appearing for USA. (Britsch, Lauren) [3:16-mj-01265-MCR] (Entered: 10/20/2016)
10/21/2016	10	Minute Entry for proceedings held before Magistrate Judge Monte C. Richardson: Detention Hearing as to Andrew Ryan Leslie held on 10/21/2016. (Digital) (SHS) [3:16-mj-01265-MCR] (Entered: 10/21/2016)
10/21/2016	11	NOTICE OF HEARING as to Andrew Ryan Leslie: Preliminary Hearing set for 10/31/2016 at 02:30 PM in Jacksonville Courtroom 5 C before Magistrate Judge Monte C. Richardson. (SHS) [3:16-mj-01265-MCR] (Entered: 10/21/2016)
10/27/2016	12	NOTICE canceling Preliminary Hearing hearing scheduled for 10/31/2016 as to Andrew Ryan Leslie (SHS) [3:16-mj-01265-MCR] (Entered: 10/27/2016)
10/27/2016	13	INDICTMENT returned in open court as to Andrew Ryan Leslie (1) count(s) 1. (RH) (Entered: 10/27/2016)
10/27/2016		Counts added: Andrew Ryan Leslie (1) count(s) 2. (NAS) (Entered: 10/28/2016)
10/28/2016	14	NOTICE OF HEARING as to Andrew Ryan Leslie: Arraignment set for 11/1/2016 at 03:00 PM in Jacksonville Courtroom 5 A before Magistrate Judge Joel B. Toomey. (TSP) (Entered: 10/28/2016)
10/31/2016	15	

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		NOTICE OF ATTORNEY APPEARANCE Lauren Elizabeth Britsch appearing for USA. (Britsch, Lauren) Modified on 10/31/2016 contacted counsel in regards to using the correct case number on all pleadings (TSW). (Entered: 10/31/2016)
11/01/2016	16	Minute Entry for proceedings held before Magistrate Judge Joel B. Toomey: ARRAIGNMENT as to Andrew Ryan Leslie (1) Count 1, 2 held on 11/1/2016 Defendant(s) pled not guilty. (Digital) (TSP) (Entered: 11/01/2016)
11/01/2016	17	NOTICE of acceptance of general discovery by Andrew Ryan Leslie (Filed in Open Court) (TSP) (Entered: 11/01/2016)
11/01/2016	18	SCHEDULING ORDER as to Andrew Ryan Leslie: Status Conference set for 11/14/2016 at 03:30 PM in Jacksonville Courtroom 12 C before Judge Brian J. Davis, Jury Trial set for trial term commencing on 12/5/2016 at 09:00 AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis., Discovery motions due by 11/21/2016, Dispositive motions due by 11/21/2016. Signed by Deputy Clerk on 11/1/2016. (TSP) (Entered: 11/01/2016)
11/14/2016	19	ORAL MOTION to continue trial by Andrew Ryan Leslie. (CKS) (Entered: 11/15/2016)
11/14/2016	20	Minute Entry for proceedings held before Judge Brian J. Davis: STATUS Conference as to Andrew Ryan Leslie held on 11/14/2016; granting 19 Oral Motion to continue trial as to Andrew Ryan Leslie (1). Status Conference set for 1/23/2017 at 03:30 PM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Jury Trial set for trial term commencing on 2/6/2017 at 09:00 AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Court Reporter: Kathy Healey/Cornerstone (CKS) (Entered: 11/15/2016)
11/16/2016	24	Unopposed MOTION to extend time to <i>Motion Filing Date</i> by Andrew Ryan Leslie. (Rosenblum, Mark) (Entered: 11/16/2016)
11/16/2016		Sealed Document- S-21, S-22, S-23. (DLC) (Entered: 11/16/2016)
11/16/2016	25	ORDER OF DETENTION PENDING TRIAL as to Andrew Ryan Leslie Signed by Magistrate Judge Monte C. Richardson on 11/16/2016. (SHS) (Entered: 11/16/2016)
11/16/2016	26	ORDER granting 24 Unopposed Motion to Extend Motion Filing Date as to Andrew Ryan Leslie. Defendant shall have up to and including December 22, 2016, to file discovery motions, dispositive motions and motions to suppress (1). Signed by Magistrate Judge Joel B. Toomey on 11/16/2016. (TSP) (Entered: 11/16/2016)
11/17/2016		Set/Reset Deadlines as to Andrew Ryan Leslie: Discovery due by 12/22/2016 (DLC) (Entered: 11/17/2016)
01/23/2017	27	ORAL MOTION to continue trial by Andrew Ryan Leslie. (CKS) (Entered: 01/26/2017)
01/23/2017	28	Minute Entry for proceedings held before Judge Brian J. Davis: STATUS Conference as to Andrew Ryan Leslie held on 1/23/2017; granting 27 Oral Motion to continue trial as to Andrew Ryan Leslie (1). Status Conference set for 4/17/2017 at 3:30 PM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Jury Trial set for trial term commencing on 5/1/2017 at 9:00 AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Court Reporter: Shelli Kozachenko (CKS) (Entered: 01/26/2017)
04/17/2017	29	ORAL MOTION to continue trial by Andrew Ryan Leslie. (CKS) (Entered: 04/24/2017)
04/17/2017	30	Minute Entry for proceedings held before Judge Brian J. Davis: STATUS Conference as to Andrew Ryan Leslie held on 4/17/2017; granting 29 Oral Motion to continue trial as to Andrew Ryan Leslie (1). Status Conference set for 7/24/2017 at 3:30 PM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Jury Trial set for trial term commencing on 8/7/2017 at 9:00 AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Court Reporter: Shelli Kozachenko (CKS) (Entered: 04/24/2017)

05/22/2017	31	NOTICE OF RESCHEDULING HEARING: The Status Conference previously scheduled for 7/24/2017 is rescheduled as to Andrew Ryan Leslie. New hearing date and time: Status Conference set for 7/17/2017 at 3:30 PM in Jacksonville Courtroom 12 C before Judge Brian J. Davis (CKS) (Entered: 05/22/2017)
07/17/2017	32	JOINT ORAL MOTION to continue trial. (CKS) (Entered: 07/18/2017)
07/17/2017	33	Minute Entry for proceedings held before Judge Brian J. Davis: STATUS Conference as to Andrew Ryan Leslie held on 7/17/2017; granting 32 Joint Oral Motion to continue trial as to Andrew Ryan Leslie (1). Status Conference set for 9/18/2017 at 3:30 PM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Jury Trial set for trial term commencing on 10/2/2017 at 9:00 AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Court Reporter: Shelli Kozachenko (CKS) (Entered: 07/18/2017)
09/18/2017	34	ORAL MOTION to continue trial by Andrew Ryan Leslie. (CKS) (Entered: 09/19/2017)
09/18/2017	35	Minute Entry for proceedings held before Judge Brian J. Davis: STATUS Conference as to Andrew Ryan Leslie held on 9/18/2017; granting 34 ORAL Motion to continue trial as to Andrew Ryan Leslie (1). Status Conference set for 10/23/2017 at 3:30 PM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Jury Trial set for trial term commencing on 11/6/2017 at 9:00 AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Court Reporter: Shelli Kozachenko (CKS) (Entered: 09/19/2017)
10/02/2017	36	NOTICE OF HEARING as to Andrew Ryan Leslie: Change of Plea Hearing set for 10/6/2017 at 02:00 PM in Jacksonville Courtroom 5 A before Magistrate Judge Joel B. Toomey. (TSP) (Entered: 10/02/2017)
10/06/2017	37	Minute Entry for proceedings held before Magistrate Judge Joel B. Toomey: Change of Plea Hearing as to Andrew Ryan Leslie held on 10/6/2017. (Digital) (TSP) (Entered: 10/06/2017)
10/06/2017	38	CONSENT regarding entry of a plea of guilty as to Andrew Ryan Leslie (Filed in Open Court) (TSP) (Entered: 10/06/2017)
10/06/2017	39	PLEA AGREEMENT re: count(s) One and Two of the Indictment as to Andrew Ryan Leslie (Filed in Open Court) (Original Plea Agreement returned to AUSA) (TSP) (Entered: 10/06/2017)
10/06/2017	40	REPORT AND RECOMMENDATIONS concerning Plea of Guilty re: count(s) One and Two of the Indictment as to Andrew Ryan Leslie. Signed by Magistrate Judge Joel B. Toomey on 10/6/2017. (TSP) (Entered: 10/06/2017)
10/31/2017	42	ACCEPTANCE OF PLEA of guilty and adjudication of guilt re: Count(s) One and Two of the Indictment as to Andrew Ryan Leslie. Sentencing set for 1/30/2018 at 10:00AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Signed by Judge Brian J. Davis on 10/30/2017. (CKS) (Entered: 10/31/2017)
01/17/2018	44	Unopposed MOTION to Continue Sentencing by Andrew Ryan Leslie. (Rosenblum, Mark) (Entered: 01/17/2018)
01/22/2018	45	ORDER granting 44 Defendant's Unopposed Motion to Continue Sentencing as to Andrew Ryan Leslie (1). The sentencing in this matter is continued to March 1, 2018 at 2:00 p.m. before the undersigned in Courtroom 12C. Signed by Judge Brian J. Davis on 1/19/2018. (CKS) (Entered: 01/22/2018)
01/22/2018	46	NOTICE OF RESCHEDULING HEARING: The Sentencing hearing previously scheduled for 01/30/2018 is rescheduled as to Andrew Ryan Leslie. New hearing date and time: Sentencing set for 3/1/2018 at 02:00PM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. (CKS) (Entered: 01/22/2018)
02/22/2018	49	

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SENTENCING MEMORANDUM by Andrew Ryan Leslie (Attachments: # [1](#) Exhibit, # [2](#) Exhibit, # [3](#) Exhibit, # [4](#) Exhibit, # [5](#) Exhibit, # [6](#) Exhibit, # [7](#) Exhibit, # [8](#) Exhibit)(Rosenblum, Mark) (Entered: 02/22/2018)

03/01/2018	52	Minute Entry for proceedings held before Judge Brian J. Davis: SENTENCING held on 3/1/2018 for Andrew Ryan Leslie (1), Count(s) 1, 2, Imprisonment: 720 months, this term consists of 360 months on each of Counts One and Two of the Indictment, all such terms to run consecutively.; Supervised Release: Life-Term, this term consists of Life-Terms as to Counts One and Two of the Indictment, all such terms to run concurrently.; Special Assessment: \$200.00, Restitution: the victims' losses are undetermined and the Court shall set a date for the final determination of the victims' losses within 90 days of the date of the sentencing. Defendant is remanded to the custody of the USM. Court Reporter: Shelli Kozachenko (CKS) (Entered: 03/07/2018)
03/01/2018		Sealed Document S-55 (CKS) (Entered: 03/07/2018)
03/05/2018	51	Unopposed MOTION for miscellaneous relief, specifically recommend prison designation by Andrew Ryan Leslie. (Rosenblum, Mark) (Entered: 03/05/2018)
03/07/2018	53	JUDGMENT as to Andrew Ryan Leslie (1), Count(s) 1, 2, Imprisonment: 720 months, this term consists of 360 months on each of Counts One and Two of the Indictment, all such terms to run consecutively.; Supervised Release: Life-Term, this term consists of Life-Terms as to Counts One and Two of the Indictment, all such terms to run concurrently.; Special Assessment: \$200.00, Restitution: the victims' losses are undetermined and the Court shall set a date for the final determination of the victims' losses within 90 days of the date of the sentencing. Signed by Judge Brian J. Davis on 03/05/2018. (CKS) (Entered: 03/07/2018)
03/08/2018	56	ORDER granting 51 Defendant's Unopposed Motion Asking the Court to Recommend Designation to FCC Butner or FCC Coleman as to Andrew Ryan Leslie (1). Signed by Judge Brian J. Davis on 3/8/2018. (CKS) (Entered: 03/08/2018)
03/21/2018	57	NOTICE OF APPEAL by Andrew Ryan Leslie re 53 Judgment Filing fee not paid. (Rosenblum, Mark) (Entered: 03/21/2018)
03/22/2018	58	TRANSMITTAL of initial appeal package as to Andrew Ryan Leslie to USCA consisting of copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re 57 Notice of Appeal. Eleventh Circuit Transcript information form available to counsel at www.flmd.uscourts.gov under Forms and Publications/General. (Attachments: # 1 Docket Sheet, # 2 Notice of Appeal, # 3 USDC Criminal Judgment)(EAM) (Entered: 03/22/2018)
03/29/2018		ACKNOWLEDGMENT by USCA of receiving Notice of Appeal on 3/29/2018 re 57 Notice of Appeal. USCA number: 18-11183-J. (EAM) (Entered: 03/30/2018)
03/29/2018		USCA Case Number as to Andrew Ryan Leslie. USCA Number: 18-11183-J for 57 Notice of Appeal filed by Andrew Ryan Leslie. (EAM) (Entered: 03/30/2018)
04/02/2018	59	NOTICE OF ATTORNEY APPEARANCE: Adeel Bashir appearing for Andrew Ryan Leslie <i>for appellate purposes only</i> (Bashir, Adeel) (Entered: 04/02/2018)
04/04/2018	60	NOTICE OF HEARING as to Andrew Ryan Leslie: Restitution Hearing set for 5/25/2018 at 10:00 AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. (CKS) (Entered: 04/04/2018)
04/05/2018	61	TRANSCRIPT information form filed by Andrew Ryan Leslie for proceedings held on 10/06/2017 (Change of Plea) before Judge Joel B. Toomey re 57 Notice of Appeal. USCA number: 18-11183-J (Bashir, Adeel) (Entered: 04/05/2018)
04/05/2018	62	

USCA11

TRANSCRIPT information form filed by Andrew Ryan Leslie for proceedings held on 03/01/2018 (Sentence) before Judge Brian J. Davis re [57](#) Notice of Appeal. USCA number: 18-11183-J (Bashir, Adeel) (Entered: 04/05/2018)

04/06/2018	63	COURT REPORTER ACKNOWLEDGEMENT by Shelli Kozachenko re 57 Notice of Appeal as to Andrew Ryan Leslie. Estimated transcript filing date: 5/6/18. USCA number: 18-11183-J. (SMK) (Entered: 04/06/2018)
04/06/2018	64	COURT REPORTER ACKNOWLEDGEMENT by Shelli Kozachenko re 57 Notice of Appeal as to Andrew Ryan Leslie. Estimated transcript filing date: 5/6/18. USCA number: 18-11183-J. (SMK) (Entered: 04/06/2018)
05/02/2018	65	TRANSCRIPT of Digitally Recorded Change of Plea for dates of 10/6/17 held before Judge Joel B. Toomey, re: 57 Notice of Appeal as to Andrew Ryan Leslie. Court Reporter/Transcriber Shelli Kozachenko, Telephone number 904.301.6842. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 5/23/2018, Redacted Transcript Deadline set for 6/4/2018, Release of Transcript Restriction set for 7/31/2018. (SMK) (Entered: 05/02/2018)
05/02/2018	66	TRANSCRIPT of Sentencing for dates of 3/1/18 held before Judge Brian J. Davis, re: 57 Notice of Appeal as to Andrew Ryan Leslie. Court Reporter/Transcriber Shelli Kozachenko, Telephone number 904.301.6842. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 5/23/2018, Redacted Transcript Deadline set for 6/4/2018, Release of Transcript Restriction set for 7/31/2018. (SMK) (Entered: 05/02/2018)
05/02/2018	67	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal as to Andrew Ryan Leslie. Court Reporter: Shelli Kozachenko (SMK) (Entered: 05/02/2018)
05/02/2018	68	NOTIFICATION that transcript has been filed by Shelli Kozachenko re: 57 Notice of Appeal as to Andrew Ryan Leslie USCA number: 18-11183-J (SMK) (Entered: 05/02/2018)
05/02/2018	69	NOTIFICATION that transcript has been filed by Shelli Kozachenko re: 57 Notice of Appeal as to Andrew Ryan Leslie USCA number: 18-11183-J (SMK) (Entered: 05/02/2018)
05/18/2018	70	Unopposed MOTION for miscellaneous relief, specifically Cancel Restitution Hearing re 60 Notice of Hearing by USA as to Andrew Ryan Leslie. (Brown, David) (Entered: 05/18/2018)
05/18/2018	71	ORDER GRANTING 70 United States' Unopposed Motion to Cancel Restitution Hearing. Signed by Judge Brian J. Davis on 5/18/2018. (AMP) (Entered: 05/18/2018)
05/18/2018	72	NOTICE CANCELLING HEARING: The Restitution Hearing scheduled for May 25, 2018, at 10:00 a.m. has been CANCELLED. (AMP) (Entered: 05/18/2018)

PACER Service Center
Transaction Receipt
06/07/2018 14:38:02
pd2985:4289520:4287800

USCA11 Case: 18-11183 Document: 17 Date Filed: 06/08/2018 Page: 11 of 205

PACER Logn:		Client Code:	
Description:	Docket Report	Search Criteria:	3:16-cr-00154- BJD-JBT
Billable Pages:	8	Cost:	0.80

Tab 13

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED IN OPEN COURT
10.27.16
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

Case No. 3:16-cr-154-J-39JBT
Cts. 1-2: 18 U.S.C. § 2251(a)

ANDREW RYAN LESLIE

INDICTMENT

The Grand Jury charges:

COUNT ONE

On or about October 14, 2016, in the Middle District of Florida, the
defendant,

ANDREW RYAN LESLIE,

did employ, use, persuade, induce, entice and coerce a minor, Child 1, to engage
in any sexually explicit conduct for the purpose of producing visual depictions of
such conduct, which visual depictions were produced using materials that have
been mailed, shipped or transported in or affecting interstate or foreign
commerce by any means.

In violation of 18 U.S.C. §§ 2251(a) and (e).

COUNT TWO

On or about October 14, 2016, in the Middle District of Florida, the
defendant,

ANDREW RYAN LESLIE,

did employ, use, persuade, induce, entice and coerce a minor, Child 2, to engage
in any sexually explicit conduct for the purpose of producing visual depictions of
such conduct, which visual depictions were produced using materials that have
been mailed, shipped or transported in or affecting interstate or foreign
commerce by any means.

In violation of 18 U.S.C. §§ 2251(a) and (e).

FORFEITURE

1. The allegations contained in Counts One and Two of this
Indictment are hereby re-alleged and incorporated by reference for the purpose
of alleging forfeiture, pursuant to the provisions of 18 U.S.C. § 2253.

2. Upon conviction of the violation of 18 U.S.C. § 2251(a) charged in
Counts One and Two, the defendant, ANDREW RYAN LESLIE, shall forfeit to
the United States, pursuant to 18 U.S.C. § 2253, all of his interest in:

a. Any visual depiction described in 18 U.S.C. §§ 2251, 2251A,
or 2252, 2252A, 2252B, or 2260 of ^{Chapter 110, U.S.C. DA TAB} ~~this chapter~~, or any book, magazine,
periodical, film, videotape, or other matter which contains any such visual

depiction, which was produced, transported, mailed, shipped, or received in violation of this chapter:

- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- c. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to
21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b).

A TRUE BILL,

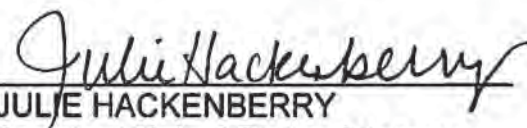

Foreperson

A. LEE BENTLEY, III
United States Attorney

By:


D. RODNEY BROWN
Assistant United States Attorney

By:


JULIE HACKENBERRY
Assistant United States Attorney
Chief, Jacksonville Division

FORM OBD-34
APR 1991

No.

UNITED STATES DISTRICT COURT

Middle District of Florida

Jacksonville Division

THE UNITED STATES OF AMERICA

vs.

ANDREW RYAN LESLIE

INDICTMENT

Violations:

18 U.S.C. § 2251(a)

A true bill

Foreperson

Filed in open court this 27th day

of October, 2016.

Clerk

Bail \$

Tab 38

FILED IN OPEN COURT

10/6/2017

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CLERK, U S DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

vs.

CASE NO.: 3:16-cr-154-J-39JBT

ANDREW RYAN LESLIE

**NOTICE REGARDING ENTRY
OF A PLEA OF GUILTY**

In the event the defendant decides at any time before trial to enter a plea of guilty, the United States Magistrate Judge is authorized by Local Rule 6.01(c)(12), United States District Court, Middle District of Florida, with the consent of the defendant, to conduct the proceedings required by Rule 11, Fed.R.Crim.P. incident to the making of the plea. If, after conducting such proceedings, the Magistrate Judge recommends that the plea of guilty be accepted, a presentence investigation and report will be ordered pursuant to Rule 32, Fed.R.Crim.P. The assigned United States District Judge will then act on the Magistrate Judge's Report and Recommendation; and, if the plea of guilty is accepted, will adjudicate guilt and schedule a sentencing hearing at which the District Judge will decide whether to accept or reject any associated plea agreement, and will determine and impose sentence.

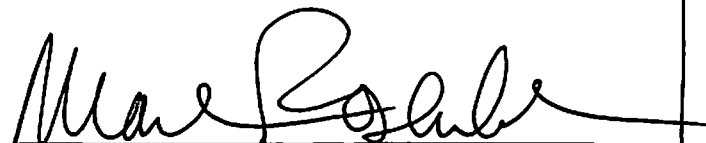
CONSENT

I hereby declare my intention to enter a plea of guilty in the above case, and I request and consent to the United States Magistrate Judge conducting the proceedings required by Rule 11, Fed.R.Crim.P., incident to the making of such plea. I understand that if my plea of guilty is then accepted by the District Judge, the District Judge will decide whether to accept or reject any plea agreement I may have with the United States, and will adjudicate guilt and impose sentence.

Date: October 6, 2017



Defendant



Defendant's Attorney

Tab 39

FILED IN OPEN COURT

10-6-2017

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CLERK, U. S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 3:16-cr-154-J-39JBT

ANDREW RYAN LESLIE

PLEA AGREEMENT

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by W. Stephen Muldrow, Acting United States Attorney for the Middle District of Florida, and the defendant, ANDREW RYAN LESLIE, and the attorney for the defendant, Mark J. Rosenblum, Esq., mutually agree as follows:

A. Particularized Terms

1. Counts Pleading To

The defendant shall enter a plea of guilty to Counts One and Two of the Indictment. Counts One and Two each charge the defendant with production of child pornography, in violation of 18 U.S.C. §§ 2251(a) & 2251(e).

2. Minimum and Maximum Penalties

Counts One and Two of the Indictment are each punishable by a mandatory minimum term of imprisonment of not less than 15 years and not

Defendant's Initials

AL

AF Approval

BS

more than 30 years, a fine of \$250,000, or both, a term of supervised release of any term of years not less than 5, or life, and a special assessment of \$100, said special assessment to be due on the date of sentencing. In addition, pursuant to Title 18, United States Code, Section 3014(a)(3), the Court shall assess an amount of \$5,000 on any non-indigent defendant. If the Court sentenced the defendant on each count consecutively, the aggregate minimum and maximum penalties would be a minimum mandatory term of imprisonment of not less than 30 years and not more than 60 years, fines totaling \$500,000, or both, a term of supervised release of any term of years not less than 5 years, or life, and special assessments totaling \$200 and \$10,000. Pursuant to Title 18, United States Code, Section 3583(k), if the defendant is required to register under the Sex Offender Registration and Notification Act and commits any criminal felony offense under Title 18, United States Code, Chapters 109A, 110 or 117, or Sections 1201 or 1591, the Court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment of not less than 5 years and up to life per count. Any other violation of the terms and conditions of supervised release is punishable by a term of imprisonment of up to 3 years per count. With respect to these offenses and pursuant to Title 18, United States Code, Sections 2259, 3663A and 3664, the Court shall order the defendant to make restitution to any victim of the offense(s), and with respect to

Defendant's Initials HL

other offenses, the Court may order the defendant to make restitution to any victim of the offense(s), or to the community.


3. **Elements of the Offense(s)**

The defendant acknowledges understanding the nature and elements of the offense(s) with which defendant has been charged and to which defendant is pleading guilty. The elements of Counts One and Two of the Indictment are:

- First:** That an actual minor, that is, a real person who was less than 18 years old, was depicted;
- Second:** That the defendant employed, used, persuaded, induced, enticed or coerced a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of the conduct; and
- Third:** That such visual depictions were produced using materials that had been mailed, shipped, or transported in interstate or foreign commerce.

4. **No Further Charges**

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

Defendant's Initials 

5. **Restitution to Any Minor Victims of Offenses Committed by Defendant, Whether Charged or Uncharged**

Pursuant to 18 U.S.C. §§ 3663A(a) & (b), 18 U.S.C. § 3664, 18 U.S.C. § 2248, and 18 U.S.C. § 2259, the defendant agrees to make full restitution to all minor victims of his offenses as to all counts charged, whether or not the defendant enters a plea of guilty to such counts and whether or not such counts are dismissed pursuant to this agreement. Further, the defendant agrees to pay restitution to any of his minor victims, for the entire scope of his criminal conduct, including but not limited to all matters included as relevant conduct. The defendant acknowledges and agrees that this criminal conduct (or relevant conduct) includes any minor victim of any child pornography offenses, charged or uncharged, under Chapter 110, United States Code, and any minor victim of any violation of federal and/or state law committed by the defendant, including any contact sexual offense. Further, pursuant to 18 U.S.C. § 3664(d)(5), the defendant agrees not to oppose bifurcation of the sentencing hearing if the victims' losses are not ascertainable prior to sentencing.

6. **Acceptance of Responsibility - Three Levels**

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will recommend to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG

Defendant's Initials 

§3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG §3E1.1(b) and all terms of this Plea Agreement, including but not limited to, the timely submission of the financial affidavit referenced in Paragraph B.5., the United States agrees to file a motion pursuant to USSG §3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

7. **Cooperation - Substantial Assistance to be Considered**

Defendant agrees to cooperate fully with the United States in the investigation and prosecution of other persons, and to testify, subject to a prosecution for perjury or making a false statement, fully and truthfully before any federal court proceeding or federal grand jury in connection with the

Defendant's Initials 

charges in this case and other matters, such cooperation to further include a full and complete disclosure of all relevant information, including production of any and all books, papers, documents, and other objects in defendant's possession or control, and to be reasonably available for interviews which the United States may require. If the cooperation is completed prior to sentencing, the government agrees to consider whether such cooperation qualifies as "substantial assistance" in accordance with the policy of the United States Attorney for the Middle District of Florida, warranting the filing of a motion at the time of sentencing recommending (1) a downward departure from the applicable guideline range pursuant to USSG §5K1.1, or (2) the imposition of a sentence below a statutory minimum, if any, pursuant to 18 U.S.C. § 3553(e), or (3) both. If the cooperation is completed subsequent to sentencing, the government agrees to consider whether such cooperation qualifies as "substantial assistance" in accordance with the policy of the United States Attorney for the Middle District of Florida, warranting the filing of a motion for a reduction of sentence within one year of the imposition of sentence pursuant to Fed. R. Crim. P. 35(b). In any case, the defendant understands that the determination as to whether "substantial assistance" has been provided or what type of motion related thereto will be filed, if any, rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that

Defendant's Initials *Q*

defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

8. **Forfeiture of Assets**

The defendant agrees to forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture, pursuant to 18 U.S.C. § 2253, whether in the possession or control of the United States, the defendant or defendant's nominees. The defendant specifically agrees and consents to the administrative forfeiture of the following:

- a. Gateway Laptop, SN N186A61005160;
- b. Thermaltake CPU, SN CA1A800M1NN00E1000657;
- c. Glite CPU, SN RC330UKKR3501121500070;
- d. Thermaltake, SN VJ400GIN201004005536;
- e. ASUS Laptop; SN D5N0CY56039221A;
- f. ACER Aspire One, SN LUS050B11184359EE22535, W/CORD;
- g. Cyber Power Supply, SN CPMDU2002334;
- h. Inatec External HD, SN WX11A5369636;
- i. 9" Mid Android Tablet, SN JHS2CJHA1110AH;
- j. Seagate Barracuda Internal HDD, SN Z1F12JJM;
- k. Seagate Barracuda Internal HDD, SN 9VS2250M;

- l. Seagate Barracuda Internal HDD; SN SQM1LB1N;
- m. Seagate Barracuda Internal HDD, SN 5XWIN7R6;
- n. (no name) Internal HDD, SN E79085KHH;
- o. Seagate Momentus Internal HDD, SN 5SH0HD40;
- p. Seagate Momentus Internal HDD, SN 55VIHXXB;
- q. Western Digital Black Internal HDD,
SN WXZIE64CPA87;
- r. Samsung Internal HDD; SN 525WJ9FZ006527;
- s. Seagate Ultrathin Internal HDD, SN W3N0AYO5;
- t. Seagate Freeplay Internal HDD, SN Z1022K49;
- u. Canon Powershot Camera, SN 4628106690;
- v. Canon A3400 Powershot Camera, SN 432061614849;
- w. HTC Cell Phone, SN FA44J5900518;
- x. Samsung Phone, SN SCH1545FKVPS;
- y. Samsung Phone, SN A3LSMG935us;
- z. HTC Cell Phone, IMEI 990000326143433;
- aa. (5) ACER Monitors;
- bb. Monitor Stand w/ misc. cords;
- cc. Wii w/ controllers, SN KU10259575907;
- dd. XBOX w/ cord, SN 12577674307;
- ee. IPOD 32GB, No SN;

- ff. (5) Thumb Drives;
- gg. (5) SD Cards;
- hh. (2) SIM Cards;
- ii. (2) Spindles w/ CD'S;
- jj. CD Wallet w/ Disks;
- kk. Amazon Kindle Fire Tablet; and
- ll. HTC Cell Phone, SN T54GSV01963,

seized from the defendant by the Department of Homeland Security, U.S.
Immigration and Customs Enforcement, on October 18, 2016.

If the administrative forfeiture proceeding is not completed prior to
sentencing, the defendant agrees and consents to the forfeiture of these assets
pursuant to any federal criminal or civil judicial forfeiture action.

The defendant also hereby agrees that the forfeiture described herein is
not excessive and, in any event, the defendant waives any constitutional claims
that the defendant may have that the forfeiture constitutes an excessive fine.
Forfeiture of the defendant's assets shall not be treated as satisfaction of any
fine, restitution, cost of imprisonment, or any other penalty this Court may
impose upon the defendant in addition to forfeiture.

9. **Sex Offender Registration and Notification**

The defendant has been advised and understands, that under the Sex Offender Registration and Notification Act, a federal law, the defendant must register and keep the registration current in each of the following jurisdictions: the location of the defendant's residence, the location of the defendant's employment; and, if the defendant is a student, the location of the defendant's school. Registration will require that the defendant provide information that includes name, residence address, and the names and addresses of any places at which the defendant is or will be an employee or a student. The defendant understands that he must update his registrations not later than three business days after any change of name, residence, employment, or student status. The defendant understands that failure to comply with these obligations subjects the defendant to prosecution for failure to register under federal law, 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

B. **Standard Terms and Conditions**

1. **Restitution, Special Assessment and Fine**

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663A, for all offenses

described in 18 U.S.C. § 3663A(c)(1); and the Court may order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663, including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. The defendant further understands that compliance with any restitution payment plan imposed by the Court in no way precludes the United States from simultaneously pursuing other statutory remedies for collecting restitution (18 U.S.C. § 3003(b)(2)), including, but not limited to, garnishment and execution, pursuant to the Mandatory Victims Restitution Act, in order to ensure that the defendant's restitution obligation is satisfied.

On each count to which a plea of guilty is entered, the Court shall impose a special assessment pursuant to 18 U.S.C. § 3013 and if applicable, 18 U.S.C. § 3014(a)(3). The special assessments are due on the date of sentencing. The defendant understands that this agreement imposes no limitation as to fine.

2. **Supervised Release**

The defendant understands that the offense(s) to which the defendant is pleading provide(s) for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the

conditions of release, the defendant would be subject to a further term of imprisonment.

3. **Immigration Consequences of Pleading Guilty**

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

4. **Sentencing Information**

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the count(s) to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

5. **Financial Disclosures**

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United

States Attorney's Office within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that his financial statement and disclosures will be complete, accurate and truthful and will include all assets in which he has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea Agreement, consents to the release of the defendant's tax returns for the previous five years. The defendant similarly agrees and authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States Attorney's Office to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

Defendant's Initials 

6. **Sentencing Recommendations**

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government are not binding on the Court and that, should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The government expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

7. **Defendant's Waiver of Right to Appeal the Sentence**

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the

right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).

8. **Middle District of Florida Agreement**

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

Defendant's Initials a

9. **Filing of Agreement**

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

10. **Voluntariness**

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in

Defendant's Initials 

defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

11. **Factual Basis**

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set forth in the attached "Factual Basis," which is incorporated herein by reference, are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

12. **Entire Agreement**

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea

Defendant's Initials  _____

and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

13. **Certification**


The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

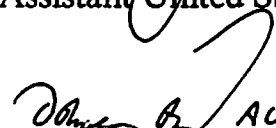
DATED this 25 day of September, 2017.

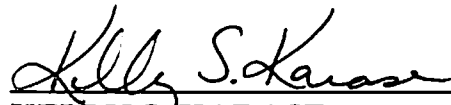
W. STEPHEN MULDROW
Acting United States Attorney


ANDREW RYAN LESLIE
Defendant


D. RODNEY BROWN
Assistant United States Attorney


MARK J. ROSENBLUM
Attorney for Defendant


LAUREN E. BRITSCH
Trial Attorney
United States Department of Justice
Criminal Division
Child Exploitation & Obscenity Section


KELLY S. KARASE
Assistant United States Attorney
Deputy Chief, Jacksonville Division

Defendant's Initials 

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 3:16-cr-154-J-39JBT

ANDREW RYAN LESLIE

PERSONALIZATION OF ELEMENTS

As to Count One

1. Do you admit that an actual minor, that is, a real person who was less than 18 years old, was depicted?
2. In or about October 14, 2016, in the Middle District of Florida, did you employ and use a Child 1, to engage in sexually explicit conduct, that is, genital to genital and oral to genital sexual intercourse, for the purpose of producing visual depictions of such conduct?
3. Do you admit that you produced such visual depictions using materials that had been mailed, shipped, and transported in interstate and foreign commerce, that is, a Canon PC1737 Powershot A3400 IS digital camera being serial number 432061019849 that was manufactured in China, and a Toshiba 8GB HC Micro SD card bearing serial number 1403RP4801P that was manufactured in Taiwan?

Defendant's Initials



As to Count Two

1. Do you admit that an actual minor, that is, a real person who was less than 18 years old, was depicted?

2. On or about October 14, 2016, in the Middle District of Florida, did you employ and use Child 2, to engage in sexually explicit conduct, that is, the lascivious exhibition of the minor's genitals, for the purpose of producing visual depictions of such conduct?

3. Do you admit that you produced such visual depictions using materials that had been mailed, shipped, and transported in interstate and foreign commerce, that is, a Canon PC1737 Powershot A3400 IS digital camera being serial number 432061019849 that was manufactured in China, and a Toshiba 8GB HC Micro SD card bearing serial number 1403RP4801P that was manufactured in Taiwan?

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 3:16-cr-154-J-39JBT

ANDREW RYAN LESLIE

FACTUAL BASIS

In 2015, agents with the U.S. Department of Homeland Security, Homeland Security Investigations (HSI) began an investigation into certain websites known to host images and videos depicting child pornography. This investigation targeted individuals who were users of such websites where child pornography was exchanged. In 2016, defendant, Andrew Ryan Leslie, was identified as a member of one of these websites. Further investigation revealed that Leslie resided in Middleburg, Florida.

On October 18, 2016, HSI agents and other law enforcement Officers executed a federal search warrant at Leslie's residence in Middleburg, Florida. Upon entry into the residence, agents observed as Leslie emerged from the master bedroom. Leslie stated in substance that a minor female child, referred to by Leslie as a "toddler," had been in the bed with Leslie when the agents arrived.

Defendant's Initials



During the execution of the search warrant, HSI agents located, on a nightstand located next to Leslie's bed in the master bedroom, a Canon PC1737 Powershot A3400 IS digital camera bearing serial number 432061019849 that was manufactured in China. Contained within the camera was an SD adapter and a micro SD card. This micro SD card was a Toshiba 8GB HC Micro SD card bearing serial number 1403RP4801P that was manufactured in Taiwan. This camera and this SD card were each shipped and transported in or affecting interstate and foreign commerce.

During a forensic preview, agents discovered that the SD card contained a series of pornographic images depicting Leslie with two different minor female children. In several images, the same prepubescent minor female child (Child 1, who was approximately 2 years old at that time) who was in the bed with Leslie that morning was depicted. Other images depicted a different infant female child (Child 2, who was approximately 7 months old at that time). These images depicted, among other things, Child 1 being vaginally and orally penetrated by Leslie's penis. There were also images depicting the lascivious exhibition of Child 2's genitalia. In several images, Leslie is depicted gripping his own penis and contacting the genitalia of Child 1 with it. All the images on the Toshiba SD card (42 in total) were produced by Leslie on October 14, 2016 using the Canon Powershot digital camera.

HSI agents also seized numerous items of computer media from Leslie's residence, including several laptop computers, computer hard disk drives, tablets, cell phones, and cameras. Forensic analysis of these items revealed that Leslie had produced, received, distributed, and possessed numerous images and videos depicting child pornography. Moreover, logs of online conversations between Leslie and other individuals were recovered that demonstrate, among other things, that Leslie had discussed engaging in sexual activity with several minor children.

Leslie acknowledges that there exists a sufficient nexus for purposes of forfeiture between the items specified herein and the criminal conduct set forth above.

Defendant's Initials 

Tab 40

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

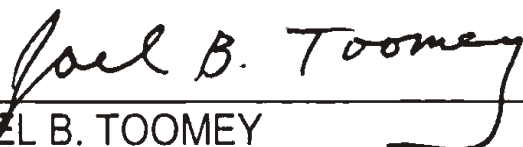
CASE NO. 3:16-cr-154-J-39JBT

ANDREW RYAN LESLIE

REPORT AND RECOMMENDATION¹
CONCERNING PLEA OF GUILTY

The Defendant, by consent, has appeared before me pursuant to Rule 11, Fed. R. Crim. P. and Rule 6.01(c)(12), M. D. Fla. Rules, and has entered a plea of guilty to Counts One and Two of the Indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary, and that the offenses charged is supported by an independent basis in fact containing each of the essential elements of such offenses. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

DONE AND ENTERED at Jacksonville, Florida, this 6th day of October, 2017.



JOEL B. TOOMEY
United States Magistrate Judge

Copies to:
Honorable Brian J. Davis
United States District Judge
Assistant United States Attorney (Brown)
Asst. Federal Public Defender (Rosenblum)
U.S. Pretrial
United States Probation

¹ "Within 14 days after being served with a copy of the recommended disposition [of a plea of guilty], . . . a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Crim. P. 59(b)(2). "Failure to object in accordance with this rule waives a party's right to review." *Id.*; see also 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1; Local Rule 6.02.

Tab 42

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO. 3:16-cr-154-J-39JBT

ANDREW RYAN LESLIE
_____ /

**ACCEPTANCE OF PLEA OF GUILTY,
ADJUDICATION OF GUILT, AND
NOTICE OF SENTENCING**

The Court adopts the Report and Recommendation Concerning Plea of Guilty (Doc. 40) entered by the Honorable Joel B. Toomey, United States Magistrate Judge, to which the fourteen day objection period was waived. Thus, the Court accepts Defendant's plea of guilty to Counts One and Two of the Indictment, and Defendant is adjudged guilty of such offenses.

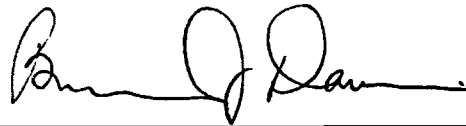
SENTENCING for the Defendant is hereby scheduled for **January 30, 2018, 10:00 AM**, before the undersigned in the United States Courthouse, Courtroom No. 12C, Twelfth Floor, 300 North Hogan Street, Jacksonville, Florida 32202. **The Court notifies any defendant currently on pretrial release that pursuant to 18U.S.C. § 3143(a)(2), the Court is required to remand a defendant into custody at sentencing in drug cases and cases involving crimes of violence. However, notwithstanding this provision, pursuant to 18 U.S.C. § 3145(c), the Court may allow an otherwise qualified defendant to voluntarily surrender for "exceptional reasons."**

IF THE PARTIES WANT THE COURT TO CONSIDER ANY MOTION FOR DEPARTURE OR OTHER WRITTEN MATERIAL OTHER THAN THE PRE-SENTENCE INVESTIGATION REPORT, IT MUST BE SUBMITTED NO LATER THAN TEN (10)

BUSINESS DAYS PRIOR TO THE DATE OF SENTENCING. ANY RESPONSES TO MOTIONS OR OTHER WRITTEN MATERIALS SHALL BE SUBMITTED **NO LATER THAN FIVE (5) BUSINESS DAYS PRIOR TO THE DATE OF SENTENCING.** IN ADDITION, IF ANY PARTY BELIEVES THAT THE SENTENCING MAY TAKE LONGER THAN ONE HOUR, PLEASE NOTIFY THE UNDERSIGNED'S CHAMBERS IMMEDIATELY.

NOTE: All persons entering the Courthouse must present photo identification to Court Security Officers. Although cell phones, laptop computers, and similar electronic devices generally are not permitted in the building, attorneys may bring those items with them upon presentation to Court Security Officers of a Florida Bar card (presentation of the Duval County Courthouse lawyer identification card will suffice) or Order of special admission pro hac vice.¹

DONE and ORDERED in Jacksonville, Florida this 30th day of October, 2017.



BRIAN J. DAVIS
United States District Judge

CS
Copies to:

Asst. U.S. Attorney (Brown)
Asst. Federal Public Defender (Rosenblum)
United States Marshals Service
United States Probation Office
United States Pretrial Services

¹ Cell phones must be turned off while in the courtroom.

Tab 49

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 3:16-cr-154-J-39JBT

ANDREW RYAN LESLIE
_____ /

DEFENDANT’S SENTENCING MEMORANDUM

Andrew Ryan Leslie, through counsel, files his Sentencing Memorandum for the Court’s consideration in connection with his upcoming sentencing.

I. Introduction

This is a difficult case for all concerned. It is difficult for the victims and their families, it is difficult for the prosecution and defense teams, it is difficult for Mr. Leslie, it is difficult for Mr. Leslie’s family. And no doubt, at what is expected to be an unusually emotional and dramatic sentencing hearing, it will be difficult for the Court.

Mr. Leslie is exposed to not less than 15 and not more than 60 years in prison. The defense does not intend to ask for a specific sentence within that range, but rather simply to ask the Court to impose a sentence that will give Mr. Leslie, who just turned 23, an opportunity to see the light at the end of the

tunnel, while incentivizing him to seek and maintain the therapy he so desperately needs and desires.

II. History and Characteristics

Andrew Leslie was just 10 years old when he realized he was a pedophile. To say he was and is horrified and sickened by that discovery and its resultant behavior would be a gross understatement.

At 10, he was old enough to grasp that he was a “monster” in society’s eyes, yet too young to know what to do about it.¹ He longed to be normal. He contemplated suicide. He fought his awful urges for years. He tried to ignore them. He tried blocking tempting Internet sites and ridding himself of tempting material. Later, he tried to find satisfaction through child pornography, considering it more harmless than the alternative. At the time of his arrest in this case, he had begun inquiring about changing his gender, according to his mother. Maybe that might work to change his behavior. But nothing did.

The one thing Mr. Leslie did not do was seek help. He desperately wanted it but simply did not know how or where to find it. Not at age 10, when he first realized the horror of who he was. Not at age 16, when his self-

¹ Mr. Leslie has written a letter to the court detailing his shame and deep remorse about who he is and what he has done. He uses the word monster to describe himself. The letter is attached as Exhibit 1.

loathing led him to contemplate suicide a second time and his doctor prescribed Prozac for severe depression.² And not at age 21, right before his long-held fears of arrest and a lengthy prison sentence became his reality. He kept his secret shame hidden from his family, his classmates and his doctor, fearing that telling anyone would result in stigmatization and prison.

This is a common phenomenon and barrier to prevention among men who realize they are attracted to children and do not know where to turn, according to sociologist Jill Levenson, an associate professor at Barry University, who surveyed offenders about why they did not seek help before it was too late. Unlike other addictions, there are no advertised helplines for pedophiles. There is a fear factor as well. “Even if they’ve never acted on them, men who are concerned about their attractions are reluctant to seek counseling because they’re afraid they’re going to be reported,” Dr. Levenson said in a 2015 Psychology Today article.³

Since his arrest in 2016, Mr. Leslie has been steadfast in his desire to know why he is the way he is and, more importantly, getting help to change. It has come up in nearly every conversation the undersigned and his staff have

² Records referencing this prescription from Mr. Leslie’s primary physician, Dr. Bala Munipalli, are attached as Exhibit 2.

³ *Sympathy for the Deviant*, Psychology Today, November/December 2015. The article, which explores the double-edged stigma of pedophilia, is attached as Exhibit 3.

had with him. Mr. Leslie was thrilled when he learned that his defense team had contracted neuropsychologist Robert Cohen to evaluate him because he hoped it would give him insight into his behavior and become a catalyst to change. Mr. Leslie wants intensive sex offender treatment while in prison, and Dr. Cohen recommends that it be part of his sentence, along with continued psychiatric care.⁴

Mr. Leslie also has been steadfast in his cooperation with authorities since his arrest. He has had several meetings with law enforcement and provided information whenever asked. He provided passwords to his electronic devices. At times, he reached out to the undersigned's office about contacting law enforcement whenever he thought of something that might be helpful. Although his assistance will not be rewarded through the filing of a motion for downward departure under USSG § 5K1.1 since no arrests have been made to date, the government has represented that his cooperation has been extremely valuable to law enforcement and that the Court will be asked to consider it in the sentencing equation.

Mr. Leslie readily accepted responsibility for his criminal offense and continues to do so. He has never attempted to minimize or justify his

⁴ A copy of Dr. Cohen's evaluation is attached as Exhibit 4.

behavior. He understands that his actions merit a serious prison sentence. He feels incredible remorse for his victims. He wants to pay whatever restitution the Court orders, though he realizes that will be a pittance compared to the damage he has done. He hopes one day to start an organization to help pedophiles get help before they act on their attractions. As unrealistic as that sounds in light of Mr. Leslie's foreseeable future, it is reflective of his sincere remorse.

As he states in his letter to the Court, "I wish I could undo everything, but I can't. However, I can try to make everything ... at least as right as possible."

Mr. Leslie was born in Jacksonville following a one-time encounter between his mother and biological father. He grew up in Clay County. He did not meet and form a relationship with his father until he was 12.

Mr. Leslie does not attribute any of his aberrant behavior to his childhood, which he recalls as basically positive. His mother, Sharon Leslie, could not recall any episodes of physical trauma or abuse. She does recall his female cousins dressing him up as a girl when he was about five years old and her son verbalizing around the same age that he did not like having a penis.

By all accounts, Mr. Leslie was a contributing member of society throughout high school and into adulthood. He did not use drugs or commit even petty crimes. Letters from family and friends describe his helpfulness, compassion and attentiveness toward the needs of others.⁵ They are shocked that the polite and respectful young man, who assisted them or stood by them through various ordeals, committed these crimes. They are saddened they did not notice any red flags that might have alerted them to Andrew's internal struggles or even prevented his behavior from escalating to the point that it did. Yet, as true friends and family members do, they are standing by him even while acknowledging their horror at his behavior.

Family photos provided by Sharon Leslie show a healthy, typical young boy. Tellingly, however, very few of them after early childhood show him smiling.⁶

He was a good student and graduated on time from Middleburg High School in 2013 with a 3.412 grade point average.⁷ A month after graduation, he started work as a software engineer, a job he held until his arrest.⁸ The

⁵ Letters are attached as Exhibit 5.

⁶ Photos are attached as Exhibit 6.

⁷ A copy of his transcript is attached as Exhibit 7.

⁸ Verification of Mr. Leslie's employment with Focus School Software is attached as

position paid well enough that Mr. Leslie was able to buy his own home when he was 19 years old.

All of this masked the internal struggles and self-loathing lurking deep in Mr. Leslie's soul and the resultant criminal behavior that brings him before the Court. In keeping with Dr. Cohen's recommendations, Mr. Leslie requests that his sentence include intensive psychosexual counseling and sex offender treatment.

III. Conclusion

Andrew Leslie is begging for help in order to vanquish the demon that has plagued his life. While in prison he intends to take advantage of all counseling and sex offender treatment opportunities he can get. It is his hope that he can continue to assist the authorities with their ongoing investigation of other pedophiles. All that Mr. Leslie asks is that the Court view him as a person who sincerely wants to change and will make every effort to do so.

Exhibit 8. The company is based in St. Petersburg, and Mr. Leslie worked from home. The job did not involve any contact with students.

Respectfully submitted,

Donna Lee Elm
Federal Defender

s/ Mark Rosenblum

Mark Rosenblum
Assistant Federal Defender
Florida Bar No. 289175
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Jacksonville, Florida 32202
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Fax: 904-232-1937
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Attorney for defendant

CERTIFICATE OF SERVICE

I certify that on February 22, 2018 I electronically filed the foregoing
with the Clerk of the Court by using the CM/ECF system, which will send a
notice of electronic filing to all counsel of record.

s/ Mark Rosenblum

Assistant Federal Defender

United States v. Andrew Ryan Leslie

Case No. 3:16-cr-154-J-39JBT

Exhibit 1

Letter to the Court
from Andrew Leslie

Your Honor,

First I would like to thank you for reading this. It helps you get to know me and show you that I am sorry for what I did as well as my hopes for the future.

It all started around when I was ten years old. I began to look at girls around my age modeling. After months of that I found a website called "Playboy Magazine" and they advertised "Non-nude Models." These were girls of all ages in various outfits including just their underwear. I ended up getting hooked on this. At the time I didn't think any of this was wrong as they were my age. But as time went on I caught myself looking at the younger girls. When I first noticed this I was filled with sickness. I blocked the website from my computer and ended up reporting it to The National Center for Missing and Exploited Children in hopes of shutting it down. I wish I could say it ended there but my desire became too much and I was back browsing the website. I didn't consider myself a pedophile just yet as I was a kid myself I thought it was just curiosity like when little kids play doctor. Little did I know I would become a monster later on. When I was about twelve I learned about hentai. I discovered that I could find all of my cartoons naked and having sex. This became my new addiction. I began to look at everything from American Dragon: Jake Long to Lilo and Stitch. Then it occurred to me that I was still looking at the younger girls even though I was getting older. I was ashamed of myself and kept trying to break the habit. I blocked every website I used and even browsed adult porn to try and alleviate my urges. When none of this worked I became severely depressed at the realization that I was a pedophile. I never told anyone about this as I was scared of what might happen to me. By watching TV I knew how the world felt towards people like me and at the time I thought if

anyone knew. ~~And~~ I would not go to jail. Maybe that would have been good at the time, like a scared straight program. But anyway instead of talking to anyone I thought of suicide as everyone hated me. I had it all planned out and was about to start when my grandfather pulled up to take me to church. Church made me realize that people still liked me but only because they didn't know. I made sure that I hid everything better after that. At this point I didn't think I would ever act on my attraction and it was my biggest fear. When I turned fourteen I realized I could find children on LimeWire (a program for sharing files, mainly music). This is when my attraction turned from young girls to toddlers. I also learned how to hide all of it behind a password so I had nothing to worry about. At sixteen I had what women refer to as baby fever; I wanted a child so badly but I was afraid that I might act on my attraction. I didn't know what to do. In the end the depression from both factors too much for me to handle and I got help from my doctor. He gave me a prescription for an antidepressant which helped some. I also joined an online community for pedophiles and from it, it made me think my attraction wasn't wrong cause so many others had the same attraction. At eighteen the baby fever came back and I began to babysit my baby cousin while her mom slept. At this time I never had the urge to act on my attraction. Later I moved to my dad's and began to babysit a girl about nine. I never acted on my attraction then either however I did show her lots of affection. A year and half later I moved back to my mom's to find a house in Middleburg and began to babysit my cousin again but this time without her mother present. At first it began as curiosity of what a girl felt like as I was a virgin and it got worse as time went on.

Now I wish I could undo all of this but I can't. However I

can try to make everything right or at least as right as possible. I want to pay my restitution and do anything else to make things better. I am deeply sorry for my actions. It is my hope that I can start an organization called "Pedophilia Support Network." I want to offer counseling services to those affected by pedophilia and get the help before they act on their attraction. I realize now that everything I've done warrants me to be locked away for pretty much life and I don't disagree with that. But I would like to do some good in my life and spend time with my mother before its too late. I've read the presentencing report and I have no issues with the special conditions except: No contact with minors and prohibition against using a computer. I fully understand the reason behind these. However I've spent my whole life wanting a family and a big one. With supervision and the medication I'm on I won't be a risk to reoffend and I will have sex offender treatment to back it up. As for prohibition against using a computer, my entire career is based on the internet and computers. Can I request to have my computer monitored, in which I will pay for? If I'm able to use computers I have no issues paying for my restitution. If I'm able to use one while I'm in prison then I can pay sooner and I'll be able to pay the cost of prosecution activity.

I hope this letter finds you well and helps you get to understand me and show you I want to make things better.

Sincerely,

Andrew Leslie

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Exhibit 2

Records from

Dr. Bala Munipalli

ST VINCENT'S PHYSICIAN ENTERPRISE - 1528 ST VINCENT WAY, SUITE 400, MIDDLEBURG FL 32068-2459

LESLIE, ANDREW (id #201066242, dob: 01/16/1995)

Last amended by BALA S MUNIPALLI, MD on 05/11/2016 at 10:25am

Patient

Name LESLIE, ANDREW (21yo, M) ID# [REDACTED] Appt. Date/Time 05/11/2016 09:00AM
DOB [REDACTED] Service Dept. SVPE_PRIMARY_CCMOB 320
Provider BALA S MUNIPALLI, MD
Insurance Med Primary: [REDACTED]
Insurance #: [REDACTED]
Policy/Group #: [REDACTED]
Prescription: OPTUMCOM - Member is eligible.
Prescription: PRIMFL - Member is eligible.

Patient's Pharmacies

WALGREENS DRUG STORE 06744 (ERX): 2675 BLANDING BLVD, MIDDLEBURG FL 32068, Ph (904) 291-4375, Fax (904) 291-9344

Chief Complaint

Establish care/ pain in hands right mostly

Problems

Reviewed Problems

- Chronic back pain
- Hand pain

Medications

Reviewed Medications

Alavert 10 mg disintegrating tablet

05/11/16 entered

Take 1 tablet(s) every day by oral route as needed.

Allergies

Reviewed Allergies

NKDA

Past Medical History

Discussed Past Medical History

allergies: Y

Surgical History

Reviewed Surgical History

no prior surgeries

Family History

Discussed Family History

Maternal Grandfather

- Malignant neoplastic disease
- Type 1 diabetes mellitus
- Heart disease
- Diabetes mellitus
- Essential hypertension

Mother

Social History

Discussed Social History

Internal Medicine

Alcohol intake: Occasional

Smoking Status: Never smoker

Vitals

Ht: 5 ft 6 in (167.64 cm)
05/11/2016 09:33 am

Wt: 108 lbs 9 oz (49.24 kg)
05/11/2016 09:33 am

BMI: 17.5
05/11/2016 09:33 am

BP: 120/60 sitting L arm
05/11/2016 09:34 am

BP Cuff Size: adult
05/11/2016 09:34 am

Pulse: 69 bpm
05/11/2016 09:34 am

ST VINCENT'S PHYSICIAN ENTERPRISE - 1650 ST VINCENT'S WAY, SUITE 100, MIAMI BEACH, FL 33139-4459

LESLIE, ANDREW (id # [REDACTED], dob: [REDACTED])

O2Sat: 98% 05/11/2016
09:34 am

RR: 18 05/11/2016 09:34
am

T: 98.7 F° (37.06 C)
05/11/2016 09:34 am

HPI

21 year old here to new patient physical. He reports intermittent allergies and uses Alavert. He reports he is a software engineer and reports pain in right first three fingers with radiation of pain right forearm x 4 weeks Says has been going on for 2-3 years. He has been using his hands daily. Has tingling in hands throughout the day but does not wake him up at night. 2011 diagnosed with depression- gets bouts off and on but took himself off Prozac and feels better off the meds not suicidal or homicidal. ROS + for generalized weakness, fatigue (from lack of sleep), major weight change, depression when he was living with a girlfriend that had a child- was not a good relationship over 6 month period- ended March 26 - symptoms have resolved. Gained weight back after losing it during stressful period. Fever , chills, bronchitis, cough, chest congestion when he had 3 day flu 2-3 weeks ago and took cough medication and that resolved the symptoms . Ear aches, postnasal drainage, hoarseness, runny nose, when allergies flare Chest pain, anxiety, depression on and off since age 9 Chest pain last 10 seconds to 2 minutes and hurts when he moves in bed or when stands. Ringing in ears since age 6 - wakes up with it sometimes and then resolves - comes and goes throughout the day. Hearing test was normal. Takes Ibuprofen -used to take Aspirin when he gets a headache about once a month. Muscle pain with the right hand pain Chronic back pain dull 3/10 and manageable, when gets 7/10 uses Ibuprofen- gets this severe about every 3 months. Says related to posture but does not do the exercises to help his back pain. He is interested in PT for the back pain. When gets headache - diffuse, throbbing, aching and Ibuprofen helps the headaches. Memory difficulties -gets forgetful about plans he arranges like going out with friends and sometimes forgets what day of the week it is - stays up to 2 AM and thinks the memory issues are related to poor sleep habits. Says night owl and forgets about going to sleep When goes to bed stays asleep Sometimes notices tingling in left hand

ROS

Additionally reports: ROS discussed - see HPI All other ROS negative

Well Child ROS

Patient is a 21-year-old male.

Reported by patient.

Diet and Nutrition:

• Dietary: 3 meals/day, appropriate dairy intake, appropriate Calcium intake, normal portions, **diet not well balanced.**

Dental:

• Dental: regular dental visits, brushes teeth 2 times/day, flosses teeth.

Sleep:

• Sleep: sleeps through the night, no difficulty falling asleep, no trouble getting up.

Elimination:

• Elimination: normal bowel movement frequency, normal consistency.

Genitourinary:

• Male Genitourinary: testicular self exams.

Safety/Lifestyle:

• Injury prevention: wears seatbelt, understands sun protection, understands conflict resolution/violence prevention.

• Risk Taking: denies drug use, denies tobacco use.

• Sexual History: **occasional alcohol use.**

School/Behavior:

• School/Behavior: no behavior problems, **he is working as a software engineer.**

• Exercise: **does not get regular exercise.**

• Other: normal mood, denies suicidal ideations, healthy peer relationships, **currently without depression.**

Physical Exam

Patient is a 21-year-old male.

Constitutional: General Appearance: well-nourished and well-developed. Level of Distress: NAD. Ambulation: ambulating normally.

Psychiatric: Mental Status: normal mood and affect and active and alert. Orientation: to time, place, and person.

Head: Head: normocephalic and atraumatic.

Eyes: Lids and Conjunctivae: no discharge or pallor and non-injected. Pupils: PERRLA. Corneas: grossly intact. EOM: EOMI. Lens: clear. Sclerae: non-icteric.

ENMT: Ears: no lesions on external ear, EACs clear, and TMs clear. Nose: no lesions on external nose, sinus tenderness, or nasal discharge and nares patent and nasal passages clear. Lips, Teeth, and Gums: no mouth or lip ulcers or bleeding gums. Oropharynx: no erythema or exudates and moist mucous membranes and tonsils not enlarged.

Neck: Neck: supple, FROM, trachea midline, and no masses. Lymph Nodes: no cervical LAD or supraclavicular LAD. Thyroid: no enlargement or nodules and non-tender.

Lungs: Respiratory effort: no dyspnea. Percussion: no dullness, flatness, or hyperresonance. Auscultation: no wheezing, rales/crackles, or rhonchi and breath sounds normal and good air movement.

ST VINCENT'S PHYSICIAN ENTERPRISE • 1608 ST VINCENT'S WAY, SUITE 100, ANDERSON, SC 29625-4459

LESLIE, ANDREW (id [REDACTED], dob: [REDACTED])

Cardiovascular: Heart Auscultation: normal S1 and S2; no murmurs, rubs, or gallops; and RRR. Pulses: normal throughout.

Abdomen: Bowel Sounds: normal. Inspection and Palpation: no tenderness, guarding, masses, rebound tenderness, or CVA tenderness and soft and non-distended. Liver: non-tender and no hepatomegaly. Spleen: non-tender and no splenomegaly. Hernia: none palpable.

Musculoskeletal: Motor Strength and Tone: normal and normal tone. Joints, Bones, and Muscles: no contractures, malalignment, or tenderness and normal movement of all extremities; **mild decreased grip strength right hand + Tinel left hand.** Extremities: no cyanosis or edema.

Neurologic: Gait and Station: normal gait and station. Cranial Nerves: grossly intact. Sensation: grossly intact. Reflexes: DTRs 2+ bilaterally throughout. Coordination and Cerebellum: no tremor.

Skin: Inspection and palpation: no rash, ulcer, induration, nodules, or jaundice and good turgor; **mild facial acne benign hyperpigmented lesions on chest, neck, back, arms, legs.**

Back: Thoracolumbar Appearance: normal curvature.

Screening

None recorded.

Assessment / Plan

1. **Adult health examination** - Advised self testicular exams pm
sunscreen when outdoors
avoid alcohol, drugs, tobacco
exercise, healthy diet lean protein, fruits/vegetables, adequate water intake
requested vaccine records -update Tdap but has to check with insurance to make sure covered
Z00.01: Encounter for general adult medical examination with abnormal findings
2. **Hand pain** - overuse vs carpal tunnel EMG/NCS discussed
f/u 1 week after test completed
M79.641: Pain in right hand
 - ELECTROMYOGRAM/NERVE CONDUCTION STUDY - Note to Imaging Facility: right hand pain, numbness, pain radiates into forearm
3. **Examination of blood pressure** - BP 120/60 Monitor BP closely
Z01.30: Encounter for examination of blood pressure without abnormal findings
4. **Body mass index less than 20**- Monitor weight Says this is his baseline
Z68.1: Body mass index (BMI) 19 or less, adult
5. **Chronic back pain** - discussed with patient about physical therapy evaluation for the chronic back pain and he is agreeable with the referral
G89.29: Other chronic pain
 - PHYSICAL THERAPY REFERRAL - Schedule Within: provider's discretion

Return to Office

None recorded.

Amendment Sign-Off

Encounter signed-off by BALA S MUNIPALLI, MD, 05/11/2016.

Encounter performed and documented by BALA S MUNIPALLI, MD

Encounter reviewed & signed by BALA S MUNIPALLI, MD on 05/11/2016 at 10:15am

Amendment closed by BALA S MUNIPALLI, MD on 05/11/2016 at 10:25am

United States v. Andrew Ryan Leslie

Case No. 3:16-cr-154-J-39JBT

Exhibit 3

Article from

Psychology Today



SYMPATHY FOR THE DEVIL

THE INTENSE STIGMA SURROUNDING CHILD SEXUAL ABUSE CLOUDS AN ALREADY MISUNDERSTOOD SUBJECT AND MAY EVEN PREVENT PEOPLE FROM GETTING HELP BEFORE THEY COMMIT HARM. ONE CONVICTED OFFENDER SHARES HIS STORY.

BY **JENNIFER BLEYER** PHOTOGRAPHS BY **REINHARD HUNGER**



ONE FRIDAY EVENING

In September 2009, a pair of detectives showed up at the house of a middle-school gym teacher named Evelyn* and asked to speak with her husband, Eugene. A soft-spoken woman with rosy cheeks and tidy bangs, Evelyn told them he was at the small airport three miles away where he worked as a part-time flight instructor. They wouldn't say what their inquiry was about, and they asked her not to call him. Always deferential to authority, she invited them to wait inside.

Sitting in awkward silence, Evelyn strained to imagine why they were there. Eugene was a respected member of the community—a former U.S. Navy navigator who, after his enlistment, had become a Methodist minister. He was, by all accounts, a compassionate counselor to parishioners going through rocky times, a generous mentor to young people, a supportive ally of his colleagues, and a caring father to his and Evelyn's twins, then in their 20s. He was self-effacing and humble—it could take years of acquaintance before he would mention that he once led worship services for President Reagan at Camp David.

Evelyn felt a knot of dread in her stomach. She wondered if this had something to do with a strange brush with the law Eugene had had two years earlier, after he retired from the ministry and returned to his earliest passion, flying airplanes. A complaint had been lodged about inappropriate conduct with one of his flight students, a 14-year-old boy. The boy had told police that when they were flying, Eugene had touched his thigh and, another time, had tried to kiss him. The complaint was referred to the district attorney's office, which declined to pursue it due to insufficient evidence. Eugene had told Evelyn that it was a misunderstanding—a single-engine propeller airplane is extremely tight quarters and he was just trying to help the boy, who said he had a leg cramp. Still, he was devastated by the accusation and agreed with Evelyn to seek help through a Christian counseling service. He spoke vaguely with a counselor about feeling anxious and depressed.

Evelyn heard a car pull up outside. Trim and silver-haired at 64, Eugene strode in through the garage. He froze when he saw the detectives, whom he recognized from his work as a volunteer chaplain for the police department. The detectives announced that they had a search warrant and collected his cell phone, digital camera, computers, and thumb drive. They asked him to come down to the police station; he opted to go right away. Before leaving, he stood with Evelyn for a fraught moment and told her point-blank that he had had inappropriate contact with a family friend's 13-year-old son, whom he had taken under his

wing in the past year, offering him flight lessons and treating him to special outings. He left, and Evelyn started to wail.

CROSSING THE LINE

"I KNEW WHY the police were there as soon as I saw them," Eugene told me six years later. "I was devastated, but a part of me was also enormously relieved to just be done with this."

After leaving the ministry, he had begun to notice an attraction to early adolescents that was "totally uncomfortable," he said. It was a feeling that had nagged at the edge of his consciousness before, a kind of nebulous allure that had never led to any improper behavior. Suddenly, he found himself spending more and more time with certain young teenagers, feeling obsessed with them, and inching toward a line he knew he shouldn't cross.

"It was progressive," he told me. "It went from skinny dipping, to sleeping nude, to embracing and searching for a full-blown 'relationship.' I did not at the time identify what was going on, but I knew deep down inside that something was wrong. I can't tell you the number of times I told myself, 'Eugene, you're 64. What are you doing looking for a relationship with a 13-year-old?' But it was like being an alcoholic where the drive for pleasure becomes overriding. And where could I go for help? Whom could I trust? I knew how society views pedophiles. I was already full of shame, and those kinds of stories only fueled my shame more."

When Eugene showed up at the police station, the accusations were enumerated: The boy in question had told authorities that on several occasions when the two were "camping" inside a tent in a hangar at the airport, they had slept beside each other while Eugene was completely

nude, and Eugene had touched the boy's buttocks. The boy also said that Eugene had taken photographs of him in just his underwear and a shirt—pictures that were discovered on the thumb drive. After confirming the allegations, Eugene was arrested and charged with indecent assault, indecent exposure, and corruption of a minor.

Reports of his arrest were soon all over the local news. His friends and colleagues at the airport were stunned, as was everyone at his church, where he was a Sunday service regular and an active member of a Bible study group. Released on bail, he shuttered himself in his house and descended into nearly suicidal despair. Evelyn also became depressed. She anguished over why she hadn't more clearly recognized that something was amiss and intervened. "I saw that he was spending more and more time with particular young people, and in some ways it seemed like an obsession," she told me. "But I had no clue what it

CALLING SEX
OFFENDERS
MONSTERS
BLINDS US TO
PEOPLE IN OUR
LIVES WHO
ENGAGE IN
INAPPROPRIATE
BEHAVIORS.

*The couple are referred to by their middle names.

was. You think the best of people until you find out differently.”

The police, meanwhile, reopened the investigation sparked by the first boy, which resulted in an additional corruption charge. Authorities also pressed the second boy for more information, which turned up new accusations of oral sex and masturbation, bringing even more serious criminal charges. In December, the district attorney held a televised press conference asking for anybody else whose child may have had contact with Eugene to come forward. “It’s a sobering warning to all parents in our community,” he said. “Know who your children are with, because predators like this are out there.”

WHO, WHY, HOW?

FEW CRIMES ELICIT as much moral outrage as child sexual abuse. Long shrouded in silence, it began to emerge from the shadows in the 1980s, as an increasingly confessional culture spurred survivors to speak out. For the first time, both its prevalence and its adverse effects became apparent. The pendulum of public concern swung hard in the direction of indignation, as sexual abuse went from being largely ignored to intensely condemned.

A series of sex-offender management policies were instituted across the country, mostly in response to a few grisly, sexually motivated child abductions and murders that captured headlines and terrorized parents. Such crimes are exceedingly rare, yet the extreme fear they provoke made it easy for policy makers to create public sex offender registries and pass ever-tightening restrictions on offenders in the hope that these strategies would make children safe.

Critics contend that such policies have fueled a mostly unwarranted fear of strangers, and obscured the visibility of sexual abuse where it primarily occurs: in 95 percent of identified cases, at the hands of someone trusted and well known to the victim; a third of the time, by a member of the child’s own family. “Sex offenders are in fact people all around us,” says Elizabeth Letourneau, director of the Moore Center for the Prevention of Child Sexual Abuse at Johns Hopkins University. “It’s very easy to call them monsters, but doing so literally blinds us to when the people in our lives are engaging in inappropriate behaviors.”

Critics also claim that the safeguards have fueled the misperception that sex offenders are uniquely unstoppable. In reality, recidivism rates for sex offenses are lower than for all other major types of crime and much lower than commonly believed. The Department of Justice has found that only about 3 percent of child molesters commit another sex crime within three years of being released from prison, and meta-analysis of

hundreds of studies has confirmed that once they are detected, most convicted offenders never sexually reoffend.

There is no simple explanation for what triggers such behaviors. Pedophilia is part of the answer, although only about 40 percent of convicted sex offenders meet the diagnostic criteria for the disorder, which is characterized by an intense, recurrent, and involuntary sexual attraction to children, and which may have biological origins in some cases. Pedophiles have been shown to be shorter on average and are more likely to be left-handed, as well as to have lower IQs than the general population. Brain scans indicate that they have less white matter, the connective circuitry in the brain, and at least one study has shown they are more likely to have suffered childhood head injuries than non-pedophiles.

Whatever its source, researchers emphasize that pedophilia refers only to an attraction to minors, not to a behavior. “There are people who have the disorder of pedophilia but do not molest children,” says Jill Levenson, an associate professor

of social work at Barry University in Florida who treats and studies sex offenders. “I’ve certainly met people who have resisted acting on these sexual interests because they know it’s wrong, they don’t want to harm children, and they understand how it will affect their own families and the families of victims.”

For most sex offenders, the impulse to abuse emerges from a murky tangle of environmental, social, and psychological threads rather than, or in addition to, pedophilia. Levenson points to alcohol abuse as a means of comparison. “We know that not every person convicted of drunk driving meets the criteria for alcoholism,” she says. “There are people who might have a lapse in judgment or maybe a discrete period in their life where they were using

too much alcohol to deal with their problems. The same is true with sex crimes. There are a variety of reasons why they happen, and not all of them are about sexually deviant interests.”

One such reason is that many abusers suffered sexual abuse themselves as children, which can act as a conditioning experience in their sexual development. Others have behavioral regulation problems, and their compulsiveness can extend toward child abuse if the situation presents itself, even if they are not normally attracted to children. And many, research has shown, have pronounced feelings of humiliation, rejection, inadequacy, fear, guilt, and low self-esteem, and they abuse as a maladaptive way of dealing with their own painful emotions.

“There’s often a cascade of negative events,” Letourneau says. “We see this with teachers a lot, where things are going poorly in other areas of life, and something causes them to doubt their self-worth, and then they’re spending more and more time

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with kids who have this unqualified adoration and caring for them, and they convince themselves they're falling in love. It doesn't seem to be a preferential attraction. Circumstances arise that are very idiosyncratic to a particular situation."

As his troubling urges brewed, Eugene was too ashamed to breathe a word about them to anyone. The only silver lining after his arrest, in fact, was that he finally felt free to open up. He saw a clinical psychologist for six months, during which time he came to realize that while he still loved Evelyn, they had grown apart to the point of leading parallel lives, leaving him emotionally adrift. He recognized how the firm institutional boundaries of the military and the church had kept him from crossing a line earlier, whereas as a flight instructor he was faced with a level of proximity and privacy with kids that he had never experienced before. Their innocent admiration of him as a talented pilot felt intoxicating. Perhaps most important, he examined his upbringing in a strict, religious family and the deep insecurity instilled by his verbally and emotionally abusive father.

"I was only afforded time to scratch the surface, but it was very helpful," he says. "I wish I'd known even a small part of what I learned in my brief time in counseling before I did what I did."

Levenson says that while there are countless routes to sexual offending, and the majority of men with low self-worth are certainly not destined to become child molesters, there's often a common denominator in men who feel fundamentally bad about themselves and go on to develop close emotional connections with minors.

"Many don't have very good avenues for self-esteem, and they seem to fall in love with a particular child who makes them feel special and important and doesn't have the same kinds of expectations and judgments an adult would," she says. "I'm not excusing or condoning it, but it's important to realize that the pathway is really similar to the way the rest of us experience relationships. It's about emotional intimacy that gets sexualized."

Most offenders are stopped only after they've careened all the way down that path and children have been harmed. The challenge from a prevention perspective is both to recognize that arriving at that point is not inevitable, and to offer secure off-ramps before they get there.

"Things don't just happen," says Charles Flinton, a forensic psychologist in San Francisco who provides court-mandated therapy to sex offenders and conducts evaluations to determine their risk status. "It builds up over time. Let's say somebody finds himself sexually attracted to children. He may start by looking at magazines or catalogs with kids in bathing suits. He's a little nervous, and then he becomes desensitized to that nervousness.

He may start creating arguments in his head that it's OK to put himself in situations with kids or to prepare children to be more comfortable around him in what would otherwise be awkward situations. With each step, he moves toward offense behavior. Most are able to identify a point at which there's a fork in the road."

Unlike other kinds of risky behavior, however, the secret nature of their attraction leaves no opportunity for intervention, let alone empathy for whatever internal struggle they may be engaged in to control themselves. What's more, the profound stigma that surrounds sexual attraction to children actually ends up abetting the very behavior it stigmatizes, amounting to a catch-22 with abhorrent consequences. "People with a sexual interest in children don't have any reality check to bounce up against," Flinton says. "We engage in sexual decision making, as with any decision making, by communicating and interacting with others about our dilemmas. But these people are totally isolated, which only increases their risk of acting out. They become entrenched in a double life that's hard to escape."

The isolation is ultimately more dangerous than the feelings themselves, says Joan Tabachnick, co-chair of the prevention committee of the Association for the Treatment of Sexual Abusers. "Sex abuse thrives in isolation, and shame sets the isolation in concrete," she says. "If we can begin to break apart that shame and isolation, we'll be much more likely to intervene earlier in the cycle. The environment that allows sex abuse to thrive would be eroded."

"SEX ABUSE
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AND SHAME
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THE RIPPLE OF STIGMA

IN MARCH 2010, Eugene appeared before a judge at the county courthouse and accepted a plea agreement. He was sentenced to eight to 20 years in prison. He

was also designated a sexually violent predator—based on a 12-minute interview with a forensic expert—which means that after his release, at age 73 at the earliest, he will be on the sex offender registry for the rest of his life.

Gathered in the courtroom were his family and friends, including fellow pilots and Methodist clergy who had known him for decades and who testified that while his crimes were indefensible, and their hearts ached for his victims, the Eugene they knew was a fundamentally virtuous person who had done incalculable good in the six decades prior to his offenses and had, one friend said, a "deep desire to defeat this illness." The last to stand and speak on his behalf was Evelyn.

"I could have easily abandoned my husband, like some would," she said. "Our family stands by his side today because of a lesson I have learned in life. We all make mistakes. We all have compulsions. We all have a side of us that we're afraid to show

others, and we all need compassion and forgiveness.”

The dense mass of stigma surrounding sexual abuse not only deflects compassion for potential abusers but it erects particular barriers that prevent them from getting help. Levenson surveyed convicted offenders about these barriers, and “the first thing they say is that they really had no idea where to go,” she says. “They see all these public health announcements: ‘If you have a drug problem, or a gambling problem, or you think you have HIV, call this number.’ But you never see a bus go by with an ad that says: ‘If you’re concerned about your attractions to children, call this number.’ Another reason is the very shame and fear of judgment—‘If I open up and tell somebody, what are they going to think of me?’”

People attracted to juveniles also internalize the message that they can’t be cured. “When they open a newspaper or turn on the TV, they hear the same message that you and I do—that sex offenders are monsters who will always reoffend,” Levenson says. “Are there people who are attracted to kids? Yes. Can we change that attraction? For some, no, although they can choose not to act on it. But if somebody believes he can’t be cured, he’s not going to ask for help.”

The final obstacle cited by almost everyone is the very real fear of legal consequences. Mandatory reporting legislation requires certain licensed professionals, including doctors, teachers, psychotherapists, and social workers, to report suspected cases of child abuse or neglect to child welfare authorities. The laws are federally mandated, and although they differ somewhat among jurisdictions, the intent and requirement are the same everywhere and have a clearly good purpose: to protect children from harm. In many states, the failure to report is a misdemeanor punishable by imprisonment and fines.

Mandatory reporting laws are credited with facilitating a decrease in all kinds of abuse and neglect over the past several decades. In the case of sexual abuse, however, they have had the inadvertent effect of making it very hard for someone who is attracted to children, and who may even be inching along the pathway toward abuse—by looking at child pornography, for instance, or touching a kid’s thigh, as Eugene did—to ask for help without risking the infamy of being identified. “Self-preservation steps in,” Levenson says. “Even if they’ve never acted on them, men who are concerned about their attractions are reluctant to seek counseling, because they’re afraid they’re going to be reported.”

Even admissions that fall within the limits of confidentiality in psychological treatment are seldom voiced because of confusion and fear. “If someone comes in and says, ‘I’ve been looking

at pictures of children in bathing suits in a Macy’s catalog,’ that’s not usually something that would have to be reported,” Levenson explains. But the actual details about what requires a report—in many states, an identifiable child has to be endangered—tend to be overlooked within the overall climate of vilification and punishment, she says. People are terrified to admit to anything, whether or not their admission would really necessitate a report. “There are absolutely people who have started down the road of offending who want to stop,” Letourneau says. “They don’t get help, because between mandatory reporting and lifetime sex offender registration, the consequences are too much to bear.”

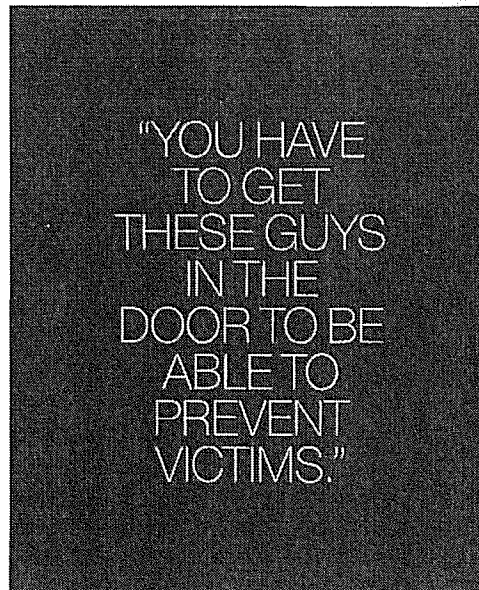
SAFE OFF-RAMPS

WHEN CLINICIANS CONSIDER what an effective prevention approach to sexual abuse might look like, many point to an initiative in Germany called Prevention Project Dunkelfeld. Begun in 2005, the program aims to prevent abuse by

offering anonymous treatment to people who are sexually attracted to pubescent and prepubescent children. The program is advertised in slick media campaigns. In one TV spot, a series of masked men in varied dress—a suit and tie, a track suit, a grandfatherly sweater vest—recite a script of internal dialogue: “It’s obvious what you think of the likes of me. Sicko! Perver! Scum! I thought so too. In therapy I learned that no one is to blame for his sexual preference, but everyone is responsible for his behavior.” The last man removes his mask, revealing a typical looking guy. “I don’t want to be an offender!” he says.

Over 5,000 people have come forward seeking services, and there are now 11 Prevention Project Dunkelfeld clinics in Germany, which

use cognitive behavioral methodology to teach clients how to control their sexual impulses. The clinic also offers psychopharmaceutical interventions, including, when needed, testosterone-lowering medication that dampens sexual appetite. The project’s initial results are based on very small samples but appear encouraging: Participants have been shown to experience improvements in their self-regulation abilities and decreases in attitudes that support sexual contact with children. More critical, Letourneau says, is what’s indicated by the sheer fact of those who’ve reached out for support: “That you have this group of people who may have been white-knuckling it themselves, and who are willing to identify as wanting and needing help, supports at least the promise of prevention.”



SYMPATHY FOR THE DEVIANT *continued on page 86*

SYMPATHY FOR THE DEVIANT *continued from page 67*

Controversially, however, there are no mandatory reporting laws in Germany, so even someone actively abusing an identifiable child can get help and remain anonymous. Nobody seriously proposes doing away with mandatory reporting in the U.S., although some think it should be modified to encourage people to get help much earlier in the offense trajectory. But even if help were possible to pursue, it's unclear where one would get it. As Levenson points out, there are no public service announcements pointing to resources for dealing with such urges. And mental health professionals, fuzzy about their own legal obligations and nervous about their liability, have been known to shirk potential clients who want therapy.

"A lot of sex offenders I've worked with knew they had a problem before they acted out illegally; they sought assistance and were turned down," Flinton says. "Therapists reject them, saying, 'I can't work with you' or 'You can't tell me this.' It's infuriating, really, because a crime could have been prevented, and these guys could have ended up living productive lives."

In recent years, Flinton has himself been contacted by more and more men in this position: "They call me saying, 'I'm having sexual fantasies about children, and I don't want to—what do I do?' Or it's often their wife or girlfriend who calls out of concern. They say their partner isn't really present, that he's missing a lot of family time or spending hours a day looking at pornography and seems to be building a double life."

In 2013, Flinton opened a Bay Area clinic called the Blue Rock Institute. Although the clinic has received only about 100 clients so far, it represents a hopeful example of what proactive prevention of sexual abuse could look like. While vigilant about making mandated reports when required, the clinic primarily reaches men who describe deviant fantasies, but who haven't yet crossed the line of illegal behavior. The treatment model is very similar to interventions for addiction: As with substance abuse, Flinton explains, sexually abusive behavior is often something people engage in to suppress negative feelings. The clinic's therapeutic focus is on addressing the underlying source of those feelings, many times in family dynamics or early traumatic experiences, as well as on helping people work past their shame, comprehend how distorted thought patterns can reinforce unhealthy sexual behavior, and learn how to meet their needs in healthy ways.

"We want these guys feeling safe to look at themselves and understand their problem," Flinton says. "They often have a lot of internal strengths. It's about identifying those and capitalizing on them, while still holding the men accountable. Our

goal is to prevent victims. You have to get these guys in the door to be able to do that."

AFTER HE WAS SENTENCED, Eugene spent two years in a county jail before being moved to a large state penitentiary. Evelyn travels two hours to visit him there once a week, and on a dazzling summer morning, I went along with her. We drove on a narrow road lined with strip malls and industrial facilities until we arrived at a vast expanse of manicured grass and dogwood trees that brought to mind a college campus. At its center was a complex of boxy buildings surrounded by towers of barbed wire.

Eugene, in a maroon jumpsuit and wire-rim glasses, beamed when he walked into the visitation room and saw Evelyn. They kissed and hugged tightly. "He's still the same person I married 33 years ago, the same person I know and love," she said. "Just the fact that we can talk about what happened is a step in the right direction. If we're not able to talk about it, there's no way to change."

They made the rounds of the room's vending machines

to gather their usual visiting day provisions—pretzels, chips, shrink-wrapped deli sandwiches, sodas—and we settled into a corner to eat. Eugene spoke with enthusiasm about his job as an inmate assistant in the prison's sex-offender therapy program. Having completed the program himself, he now works with a staff psychologist several days a week, helping facilitate group sessions in which other offenders detail their offense trajectories, do exercises to cultivate empathy for their victims, learn behavioral-modification techniques, and craft relapse-prevention plans. In listening to their stories, and ruminating on his own, he has developed a certain zealotry for the need to reach people before they do the things that land them in prison.

"I take full responsibility for my actions," he said. "Yes, I am a sex offender. Yes, I live with this desire and will live with it for the rest of my life. But surely it must be possible to construct some sort of framework of help for men like me that does not end with victims and prison."

One place where such a framework is being attempted is in his own church. Eugene's face reddened and tears glazed his eyes as he told me about a recent phone call with a church officer in charge of an effort to extend confidential support to clergy coping with an attraction to children—an effort that was galvanized in the eye-opening aftermath of Eugene's transgressions. The church officer told him that a minister and a ministry student had recently come forward for counseling. "Hearing that makes this all worthwhile," Eugene said. "If my story can in some way help prevent some terrible offense, then the journey has been worth it." ■

"WE HELP
POTENTIAL
OFFENDERS
CAPITALIZE
ON THEIR
STRENGTHS,
WHILE STILL
HOLDING THEM
ACCOUNTABLE."

United States v. Andrew Ryan Leslie

Case No. 3:16-cr-154-J-39JBT

Exhibit 4

Dr. Cohen's

Evaluation



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Robert E. Cohen, PsyD, ABPP
Robyn J. Cohen, PhD
Cohen.Neurocog@gmail.com

CONFIDENTIAL PSYCHOLOGICAL EVALUATION AND REPORT

Patient Name: Andrew Ryan Leslie
DOB: [REDACTED] (21)
Case Number: 3:16-mj-1265-MCR
Primary Language: English
Handedness: Right
Education: High School (12 years) + IT technical school
Examiner: Robert E. Cohen, PsyD, ABPP, Rehabilitation Neuropsychologist
Referral Source: Mark Rosenblum, Esq., Assistant Federal Defender
Date of Evaluation: 12/13/16
Location: Nassau County Jail, Yulee Florida
Date of Report: 1/9/18

BACKGROUND INFORMATION: Mr. Andrew Ryan Leslie is a 21-year-old Caucasian single right-handed man, referred for an evaluation by defense counsel to assist in understanding his two charges of production of child pornography (CP). He was arrested after Homeland Security received information that an IP address belonging to Mr. Leslie was hosting a website whose primary purpose was the viewing and distribution of child pornography. Later it was determined that he was also producing and distributing child pornography after finding videos that he produced in the possession of another CP collector. Mr. Leslie pled guilty to charges and has been cooperative in providing information to help find other perpetrators. He has been housed at the Nassau County Jail since his arrest on October 18th, 2016. He has not engaged in any oppositional or problematic behaviors towards other inmates or staff since his arrest. All information for this evaluation was provided by his federal defense team, a clinical interview with the client, and integration of acquired psychological/neuropsychological test data.

RECORDS/EVIDENCE REVIEWED: United States District Court Middle District of Florida Jacksonville Division - Indictment Report filed 10-27-16; United States District Court Middle District of Florida Jacksonville Division - Criminal Complaint 10-18-16; Prosecution Supplied Packet Summary including Criminal History Print Out of Client, Search Warrant, HSI Report 7/27/16, Florida DAVID printout, HSI report dated 10/21/16 (Criminal Arrest of Andrew Leslie), 10/24/16 (initial investigation of client and his online activity), 10/31/16, and HSI investigative report detailing seizure of property and evidence and other related evidence produced by prosecution and provided to defense; ESE report and codes; Middleburg High Official Transcripts; Primary Care Medical Records from Dr. Bala S. Munipalli 5/11/16 and 9/21/16; Focus School Software Company – Software Engineer Employee Verification 11/14/16.

ASSESSMENT PROCEDURES: Review of all available records; clinical interview with the client including Sexual History Questionnaire; Test of Memory Malingering (TOMM); Dot Counting Test (DCT); Wechsler Adult Intelligence Scale – (WAIS –IV); Montreal Cognitive Assessment (MoCA); Wide Range Achievement Test – Fourth Edition – Reading Subtest (WRAT-4); Rey Complex Figure



Test (RCFT); Psychopathy Checklist – Revised – 2nd Edition; Structured Inventory of Malingered Symptomology; MMPI-2RF (Minnesota Multiphasic Personality Inventory – Second Edition Restructured Format); Beck Depression Scale – 2nd Edition (BDI-II), Beck Anxiety Inventory (BAI).

DEVELOPMENTAL/ACADEMIC/PSYCHOSOCIAL HISTORY: Mr. Leslie reported that he was born in Jacksonville, Florida to Sharon Leslie and John Ackerman on January 16, 1995. He was raised by his mother and did not meet his biological father until he was 12 or 13 years of age. He is an only child but has one younger and one older half-siblings (one eight-years older half-brother James, and a two years' younger half-sister Kori) by his father's first marriage. Mr. Leslie denied any history of physical, sexual, or repeated verbal abuse. Mr. Leslie stated that his childhood was a happy one and he denied being abused or bullied by classmates at school. Review of his school records revealed that in 1998 (age 3), Mr. Leslie was identified as Developmentally Delayed (Ages 0-5) in the area of language and speech and was placed in Exceptional Student Education that year. He was dismissed from the language impairment program a year later in 1999. By age 6 (2001), he was dismissed from the Developmental Delay ESE program and by age 9 (2004), he was dismissed from the Speech Impaired ESE program, resuming all regular curriculum at that point. He reported that from the third up through the seventh grade, he was engaged in intensive reading and remedial math. Mr. Leslie tested out at the end of the seventh grade. Review of his high school transcripts reveals that he was placed in dual enrollment in advanced English Literature and advanced central computer classes at St. Johns State College. He graduated with a standard diploma with a weighted GPA of 3.412 and a class rank of 95/403. Mr. Leslie reported a specific interest and strength in computer programming. Extracurricular activities included the Technical Student Associates and Skills USA Computer Club. Mr. Leslie denied any specific behavioral problems at school including violence, truancy, or any illicit substances. However, he admits that on weekends, he occasionally consumed alcohol with his friends. He denies ever being suspended. He reported that, "*I hung out with pretty much everyone like the goths, the wrestlers, the band members*". After graduation in May 2013, he obtained a job at Focus School Software an IT company as a software engineer, in August of 2013 until October 17th, 2016 (the time of his arrest). An employee verification form indicated that Mr. Leslie worked remotely at his home with an ending salary of \$50,400.00. He is not eligible for rehire according to documentation. He also baby sat children for free in his neighborhood during that time frame.

He engaged in "peeping tom" activities of watching his younger sister who was 9 and he was 11. He started watching pornography at age 8 while surfing online and he began masturbation at the age of 9, at the frequency of 1-2x a day. Mr. Leslie stated that he began to develop a pornography addiction at an early age. He first viewed child pornography at age 10 and his last viewing of child pornography was the night before his arrest. He has never purchased CP but reported that he traded videos online with others and with another individual whom he travelled to Tennessee to meet in person. He confided that while he did not have problems with bed wetting, he enjoyed wearing diapers and children's panties between the ages of 8 and 12. He stated that he would take them from kids in the neighborhood as he was playing with them at their home. Mr. Leslie reported that his first sexual encounter was at age of 13, when he fondled a family friend's infant daughter while changing her diaper.

His first time of sexual intercourse was at age 19 with female of similar age and has since had a total of three reported sexual encounters (intercourse) with individuals of legal age. He admits to one

neurocognitive consultants

homosexual experience with a similar aged man. That same year he recalls engaging in sexual intercourse with a 2.5-year-old toddler that he was babysitting. He freely admits to inappropriate sexual contact with underage children. He reported that he made about 10 pornography videos and took at least 150 pictures. He reported having at least 1 gig worth of child porn stored on his personal equipment. He stated that he felt “bad” about engaging in sex acts with children less than five years old but felt “less bad” about children aged 10 and up since he believed it was more consensual. Initially, he became interested in children aged 6-10 but then, as he desensitized to the content, his age interest widened to children aged 0-12. In total, Mr. Leslie reported the following victims 1) a nine-year-old - daughter of a woman he was dating, 2) and her seven-year-old sister, 3) a five-year-old, 4) 5) and 6) three – two-year-old toddlers, 7) three babies (ages 0-6 months old), and 8) a four-year-old boy. Mr. Leslie admitted that he sometimes scolded the children when they did not do what he wanted. Mr. Leslie also admits to watching and downloading other forms of pornography including bestiality, S&M, pregnant women, golden showers and others. He admits to engaging in sexual acts with canines on more than one occasion. Mr. Leslie stated that as a young teen, he realized he had sexual feelings toward other children. He felt confused and guilty. He reported, “There is nowhere to go and no one to talk to about having these urges and feelings without fears of getting in trouble or being seen as a monster”.

He reported to this examiner that he informed a close friend/ex-girlfriend, Kennedy (similar age) that he was engaging in these acts. According to Mr. Leslie, he and Kennedy dated and were minimally sexually active. He stated that she herself was a victim of sexual abuse as a child. She would send her pictures of her kids and then watch him masturbate to them. However, Kennedy did not allow her own children to be molested by Mr. Leslie. He reported to this examiner that he loves all the children he has molested and that he cares about their lives more than his own. He reported that he would like to be a parent himself one day, specifically as a mother after he has his sexual reassignment.

LEGAL HISTORY: Prior to the current charges, no legal history is documented.

MEDICAL HISTORY: According to brief primary care records, he has a history of acute bronchitis, chronic back pain (received physical therapy), hand pain (received nerve conduction studies), and seasonal allergies. There is no surgical history.

FAMILY HISTORY: Cancer, Type I diabetes, Heart Disease, hypertension.

CURRENT MEDICATION: He has been prescribed Prozac 20mg (for depression) and Risperdal 0.5 mg for intrusive thoughts.

PSYCHIATRIC/PSYCHOLOGICAL HISTORY: Mr. Leslie reported that at an early age (between 5 and 8), his parents knew that he enjoyed pretending he was a girl and verbalized that he did not like having a penis. He stated that his parents were relatively supportive/non-judgmental about this. His stepmother Robin and Mr. Leslie have a relatively close relationship. He has confided in them that he was hoping to obtain a sex change in the future and that he had a referral and appointment to see a transgender pre-op psychiatrist specialist the day of his arrest. Mr. Leslie reported that he first became aware of bouts of sadness/depression starting at age 9 or 10. According to review of a medical office visit with Dr. Bala S Munipalli, Mr. Leslie was formally diagnosed with depression in 2011. His

neurocognitive consultants

symptoms included short bursts of chest pain lasting 10 seconds to 2 minutes. He does not clearly meet the criteria for panic attack or panic disorder. His depressive episodes lasted a few weeks and have led to suicidal thoughts (without plan or attempt) first reported at age 10 and again at 15. By age 15, he had been treated briefly with Prozac but did not remain compliant since he reported feeling better off the medication due to side effects. He reported to his primary care doctor that he was experiencing generalized weakness and memory loss due to poor sleep, significant weight reduction, relationship issues with his girlfriend over a six-month period. After moving out, his mood improved and he gained weight back. Currently, Mr. Leslie reported that the Risperdal minimizes his intrusive thoughts about sexual acts on children. At the time of his evaluation, Mr. Leslie was on solitary confinement (for his safety) and was on suicide watch after telling the jail therapist that he was planning to kill himself.

BEHAVIOR OBSERVATIONS: Mr. Leslie was brought to the testing area by a guard and he presented as alert and oriented, dressed in a green self-protection suit since he was currently on suicide watch. He was a man of shorter stature, thin build, long brown hair, acne, and he wore glasses. Mr. Leslie had painted toe nails and his finger nails were trimmed low for self-protection. His teeth were brown. Mr. Leslie's mood was bright and euthymic without evidence of depression or anxiety. He denied current suicidal ideation and stated that when he thinks about the rest of his life behind bars, he becomes hopeless. He was pleasant, and very cooperative with the evaluation, making no complaints or verbalizations outside of what was being asked. His eye contact was appropriate. His speech was slightly pressured and revealed reciprocal conversation. Mr. Leslie seemed of at least average intelligence. He was not overly guarded and did not appear to dodge any questions or topics. In fact, he was extremely candid and forthcoming about his previous behaviors and sexual acts. Mr. Leslie stated, *"I am actually really happy to tell you all of this and get it off my chest... I want to know why I did what I did"*. Mr. Leslie reported that he was most interested in knowing how he was caught. He believes that his making of his website and then attempts to make a "porn stars listing index" to help others find the child porn star they wanted, may have been the final straw. He stated, "the thing I am most sad about is hurting the kids... I never meant to hurt them... I am also sad about being stuck in jail forever." Mr. Leslie only verbalized his understanding that "harm" to the children was from a physical stand point only and not from an emotional or psychological standpoint. He seemed honest and genuine in his presentation. Mr. Leslie's memory for recent events seemed adequate and he did not exhibit any obvious neurological signs of impairment. There was no evidence of manipulative behavior, obvious inconsistencies with the records, or impression management noted. He appeared to put forth effort on all measures during our five-hour visit.

TEST RESULTS

ASSESSMENT OF EFFORT: Mr. Leslie was administered the Test of Memory Malingering (TOMM) and the Dot Counting Test (performance validity indicators), of which there was no evidence of poor or low effort. On the Structured Inventory of Malingered Symptomology (SIMS), he did not endorse an elevated number of infrequent symptoms suggestive of malingering. On Minnesota Multiphasic Personality Inventory – 2nd Edition, Restructured Format (a measure that includes several symptom validity indicators), Mr. Leslie endorsed many psychiatric and neurological symptoms but these are relatively consistent with his history and his current mental state and predicament. He did not reveal concerns of inconsistency in reporting, guardedness, odd or unusual symptoms, or portraying himself in



a non-genuine light (feigning cognitive symptoms nor under or over-reporting of psychiatric or neurological symptoms). Given his behavioral presentation, clinical history, and review of the records, it is believed that the results below can be viewed as a valid portrayal of his neuropsychological functioning.

COGNITIVE STATUS EXAM: On the Montreal Cognitive Assessment (MoCA), a composite screening of global cognitive functioning, Mr. Leslie obtained 27 out of 30 possible points (≥ 26 is considered a normal score, +1 point added for educational adjustment). No obvious deficits were revealed in visuospatial functioning, naming, repeating, verbal fluency, immediate simple attention, and orientation. There were minor short-term retrieval deficits and with prompting he obtained more information. He was oriented to person, place, time, and current station in life. On the RCFT, Mr. Leslie's ability to copy and organize a complex two-dimensional figure was in the average range.

CURRENT INTELLECTUAL FUNCTIONING: On a measure of intellectual functioning (WAIS-IV), Mr. Leslie' Verbal Comprehension (*an index made up of subtests assessing his fund of word and factual knowledge and his ability to verbalize abstract concepts*) was in the average range compared to others his age. His Perceptual Reasoning (*an index made up of subtests measuring timed and un-timed visuospatial reasoning and problem solving*) was also in the average range. The difference of four points between his VCI and PRI on the current assessment was not statistically significant. His Working Memory Index (*an index made up of tests assessing his immediate auditory attention and his ability to utilize his visual sketchpad*) was in the low-average range and his Processing Speed Index (*an index measuring his speeded processing, decision-making, and graphomotor speed*) was in the superior range compared to others his age (and a relative cognitive strength). Mr. Leslie' Full Scale IQ, was in the average range (FSIQ SS = 100, 50%ile) compared to others his age. These scores are consistent with his academic background and occupational success.

Scale	Composite Score	Percentile Rank	95% Confidence Interval	Qualitative Description
Verbal Comprehension	VCI 100	50	94-106	Average
Perceptual Reasoning	PRI 96	39	90-102	Average
Processing Speed	PSI 120	91	110-126	Superior
Working Memory	WMI 89	23	83-96	Average
Full Scale Intellect	FSIQ 100	50	96-104	Average
General Ability Index	GAI 98	45	93-103	Average

Subtest	Scaled Score	Percentile Rank
Similarities	11	63
Vocabulary	11	63
Information	8	25
Subtest	Scaled Score	Percentile Rank
Block Design	11	63
Matrix Reasoning	9	37

neurocognitive consultants

Visual Puzzles	8	25
	Scaled Score	Percentile Rank
Subtest		
Digit Span	8	25
Arithmetic	8	25
	Scaled Score	Percentile Rank
Subtest		
Symbol Search	14	91
Coding	13	84

PSYCHOLOGICAL TEST RESULTS: On the Psychopathy Checklist – Revised – 2nd Edition (PCL-R), Mr. Leslie was engaged in a guided interview honing in on his life history and how he has engaged with others. The PCL-R attempts to predict psychopathic and antisocial traits by honing in on trends of behavior that predict these diagnoses. This information, in addition to other sources of data, were scored on a 0-2 scale (0 = no evidence exists or no offenses in a particular category, 1 = maybe or minor offense in a particular category, and 2 = Yes or major offense in a particular category). Mr. Leslie’s **overall score was a 7 out of 40 points suggests no real concern of psychopathic tendencies or clear pattern of antisocial behaviors as defined by this scale.** While his behavior of pedophilia is culturally and legally reprehensible, it is not globally manifest in other areas of his life to suggest psychopathic or sociopathic tendencies. Consistent with his history and presentation, Mr. Leslie has no history of glibness/superficial charm, a grandiose sense of self-worth, routine pathological lying, lack of remorse or guilt, shallow affect, lack of empathy, a parasitic lifestyle, early behavioral problems, significant irresponsibility (as defined by the manual), failure to accept responsibility, juvenile delinquency, or criminal versatility. He does have characteristics of being moderately prone to boredom, mildly to moderately impulsive, has a questionable sense of empathy, and promiscuous sexual behavior.

On the BDI-II, a questionnaire examining cognitive and somatic/physical symptoms of depression experienced over the last two weeks, Mr. Leslie endorsed 29/63 points (moderate to severe symptoms). This is consistent with his presentation (on suicide watch) as well as his current predicament. He endorsed sadness, pessimism, feelings of failure, loss of pleasure, feelings of guilt, feelings of punishment, self-dislike, self-criticalness, loss of interest, worthlessness, loss of energy and sleep, mild irritability, concentration difficulties, increased appetite, and significantly reduced libido. He indicated, “I would like to kill myself”. He denied thoughts of harm to others. On the Beck Anxiety Inventory (BAI), Mr. Leslie indicated severe symptoms (BAI = 26/63) of physiological and cognitive symptoms of anxiety, endorsing severe symptoms of “fears of the worst happening”, and more moderately unpleasant symptoms of wobbliness in his legs, being unable to relax, heart pounding and racing, fears of losing control of himself, and feeling scared. He also endorsed mildly bothersome physical symptoms of stomach indigestion, having difficulty breathing, hands trembling, sweating and others.

On the MMPI-2 RF, a 338 item true false questionnaire designed to measure psychopathology and personality disorder, Mr. Leslie answered questions in a very consistent manner without evidence of the under or over reporting of symptoms nor evidence of a denial of common faults or overt guardedness. He did endorse that he is experiencing significant elevation in his emotional distress, also consistent



with his predicament, charges, and the clinical interview. Overall, Mr. Leslie provided a profile that can be interpreted as a reasonably valid indication of his psychological and personality functioning.

His profile revealed that Mr. Leslie is in a great deal of emotional distress and he acknowledges that his behavior put him in his current situation. His history of major depressive disorder with suicidal ideation is known. He is very nervous, sad and unhappy to the point of suicidality ($T = 100$, $>99.99\%$ ile), and he is experiencing odd, troubling, or strange thoughts (non-delusional) but bordering obsessive/ruminative in quality. Mr. Leslie has difficulty controlling his depressive/suicidal thoughts and emotions and he experiences them as intrusive racing thoughts. He states that his use of Risperdal and Lexapro has aided in reducing these thoughts. He is not sleeping well due to his current worry and racing thoughts and as a result, he believes his memory and thinking abilities are slower than usual. Mr. Leslie feels helpless to control his thoughts and his current situation especially without his use of medication. Feelings and thoughts of aggression are very low but he is acutely aware of the negative thoughts that others think of him. As a result, since being in jail, he feels that others would like to hurt him and so he has strong desire to socially avoid. Overall, these findings are consistent with the clinical interview, behavioral observations, and history.

SUMMARY OF FINDINGS: Mr. Leslie is a 21-year-old man who is current incarcerated since October 2016 at Nassau County Jail on charges of child pornography production. Mr. Leslie has a history of Major Depressive Disorder with suicidal ideation, as well as anxiety disorder with accompanied chest pain, difficulty sleeping, and shakiness. He has a history of gender dysphoria wishing for many years to undergo sexual reassignment. Mr. Leslie has taken Lexapro in the past and is currently on a combination of Lexapro and Risperdal since incarcerated. Mr. Leslie was seen today to obtain a better understanding of his behavioral and psychological functioning. A lengthy clinical interview reveals a cooperative but emotionally unstable young man who readily discussed his past problem behaviors which include pornography and sexual addictions in the relative absence of any identifiable pervasive developmental delay or early childhood abuse. His identified language and speech issues appeared to resolve early on and he performed well academically and socially.

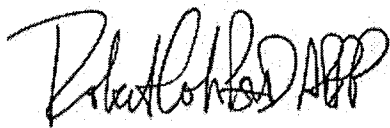
Today on testing, Mr. Leslie provided both cognitive effort and no evidence of symptom exaggeration. In other words, he was genuine and appeared honest in his presentation (as per MMPI-2RF, DCT, and TOMM results). His intellect tested in the average range and is consistent with his academic performance. No obvious cognitive dysfunction was measured on today's evaluation. Psychologically, Mr. Leslie is suffering from worsened mood problems characterized by racing intrusive thoughts, poor sleep, worry, sadness, helplessness, and general malaise. He does not have a history or current presentation consistent with elevated levels of psychopathy or antisocial personality disorder and is not an outwardly aggressive young man. However, Mr. Leslie based on all evidence recovered from his possession, his verbalized strong sexual interest in only prepubescent children, his engagement in sexual relations with minors, his creation and distributed child pornography, and repeated patterns of behavior, a paraphilic diagnosis of pedophilia is rendered. Given his history and current presentation as someone who is experiencing worsened symptoms of emotional, cognitive, and physical symptoms (as a result of his emotional disturbance), Mr. Leslie should continue to be followed by psychiatry and remain on an antidepressant/anxiolytic and atypical anti-psychotic medication to assist in symptom management. I would also strongly recommend, given his current presentation of cooperation and insight into his

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behavior, that he be engaged in weekly individual therapy to help minimize, as much as possible, to help control and understand his maladaptive thoughts and behaviors. He would benefit from a federal bureau of prisons (BOP) sex offender program or a state housing program such as one at Coalinga State Hospital in California that caters explicitly to the long term treatment of sex offenders.

DIAGNOSES:

- 1) **Pedophilic Disorder (F65.4)**
- 2) **Gender Dysphoria Disorder (F64.0)**
- 3) **Major Depressive Disorder, with symptoms of anxiety, moderate to severe, with suicidal ideation (current at time of evaluation) (F32.0)**



Robert E. Cohen, PsyD, ABPP
Board Certified in Rehabilitation Psychology
Licensed Psychologist, FL PY7151
Neurocognitive Consultants of Orlando, LLC

CC: Mark Rosenblum, Esq, Assistant Federal Defender

United States v. Andrew Ryan Leslie

Case No. 3:16-cr-154-J-39JBT

Exhibit 5

Letters

Kimberly Marshall

[REDACTED]
Butler, TN 37640
[REDACTED]

October 11, 2017

The Honorable Judge Davis U.S. District Court, Middle District of Florida
Jacksonville Division 300 North Hogan Street Jacksonville, FL 32202

Dear Honorable Judge Davis,

I am writing this letter to provide the court with additional information on Andrew Leslie for the upcoming sentencing hearing and in hope that it will be helpful to your honor.

My name is Kimberly Marshall. I am 43 years old. I now live in Butler TN, but resided in Middleburg FL for many years. I am disabled from a debilitating disease that requires me to have surgery several times a year. I have two girls, one 23, one 17. I have been the neighborhood mom for many throughout the years, including Mr. Leslie. All the kids refer to me as Momma B.

I am aware the Mr. Leslie plead guilty to a federal charge. I am absolutely shocked beyond belief that this is the same person I love as my own. It breaks my heart to know such a loving kid has broken the law.

Andrew Leslie came into my life through my oldest daughter in middle school. He would come to the house and read for hours. He would hang out with the other kids his age and was very

[REDACTED]

well adjusted. Later in high school when I was getting weaker he would show up and help me around the house with things I couldn't do myself. He was always a joy to have in my home. Since we have moved to Tennessee, he has been to visit and is still part of or extended family. He will always be one of Momma B's kids no matter what happens.

Andrew Leslie is a kind hearted, loving, and caring person. He has come to my aid to help clean cabinets when no other kid would. I had to climb on a chair after surgery. Andrew showed up and refused for me to do it. He had me sit and direct him on how I wanted everything done. He has rescued me from being stranded on side of the road. He has sat and talked to me for hours when I was feeling down. He has volunteered to help around my house when I was sick. He has ran to the store for me. He has been there to help when no one else would. After I had surgery another time Andrew came by and realized I was alone. He sat with me all day till someone else showed up making sure I had my drink filled and something to eat. He helped me get up and back to the couch when needed and was a blessing to have there. Please consider this when you go forward to the sentencing hearing.

Best regards,

Kimberly Marshall

Sharon L. Leslie


Jacksonville, FL 32218

The Honorable Judge Brian Davis
U.S. District Court, Middle District of Florida
Jacksonville Division
100 North Hogan Street
Jacksonville, Florida 32204

January 12, 2018

Dear Judge Brian Davis,

I am writing you on behalf of Andrew Leslie. My name is Sharon Leslie and I am Andrew's mom. I am a 53 year old single mother of 2. I have worked for the USPS for the past 31 years. I am currently staying with my boyfriend in Oceanway and I own a home in Clay Hill which Andrew's step dad is residing while he is recovering from Cancer.

Now let me tell you about Andrew. On the day he was born I went into labor around 6 a.m. and was seen by my doctor around 9. At that time I was told to get everything I needed taken care of and go to the hospital. By the time I was checked into the hospital and the doctor arrived it was 3:30. By 4pm I was being rushed in for an emergency C-section due to Andrew being in distress.

When I returned to work after 2 months Andrew was watched by a babysitter. He remained with the same babysitter until he started Jr. High School. Between the ages of 1 to 3 his vocabulary was only a few words which had his doctor worried. On the weekends when he was growing up he would spend time at my sister's house. On one of his weekend visits I found out later that his uncle was using him to see how deep the holes were. So he would lift Andrew and place him in each hole with his arms raised so Bruce could see how deep the hole was. On another occasion I was told about the girls dressing him in their dresses and performing a fashion show for them. My sister got him in 4H and started teaching him to barrel race and we purchased a horse for him. As they learned together and started competing they won ribbons together. Until Breeze kicked him in the face. When Andrew was 8 his grandparents went on a cross country trip and his grandfather suffered a stroke and his grandmother had a cyst burst in her back which left her bed ridden and in and out of the hospital until her death on

Christmas Eve in 2013. Then when Andrew was 10 him and his brother talked me into allowing them to have paintball guns. After a few months they decided to go into the woods without any adults and play war. David decided that since Andrew wasn't good at cocking his gun then he would let Andrew shoot his which was an automatic. Somehow David's mask came off and when he yelled for Andrew to hold up Andrew thought he was ready and started shooting hitting David in the face. David then chased Andrew all the way to my sister's house threatening to kill him. My nieces called me and his dad to come quickly. We rushed David to the fire department and then to the hospital leaving Andrew with his cousins. After a week in the hospital David was released having lost partial sight in his left eye. After starting Jr High he came home telling me about some kids bullying him and others in the gym locker room. I wanted to go talk with his teachers but he asked me not to. So I contacted his dad and his dad told me the same thing. After a few weeks of me being in contact with his dad Andrew started asking questions about his dad and if he could meet him. After a couple of weeks they met for the first time, it was unnerving how after never seeing each other before how much their mannerism and facial features were so much alike. As Andrew started High School he had a couple of football players in his computer class which he helped out and when they found out about the bullying they made sure no one else bullied him. Also during his High School years he asked if he could see a physiatrist. We made an appointment with a doctor and Andrew saw them for a few months but discontinued due to he did not think she was helping and the meds she had put him on. During his Senior year I was sent to see a therapist through EAP and decided it might be good for Andrew also. We both saw the therapist until I switch facilities and Andrew started missing too much time from school due to having to drive his self from Middleburg to Southside every week. At that time the doctor made some suggestions we do to help him.

Now for some better things for Andrew, when he was 3 he started PreK3 which helped him learn to communicate and taught him sign language and introduced him to computers. He seemed to flourish there until the fire alarm went off one day. After that it took us awhile to get him to feel safe in class. By kindergarden he had started barrel racing which he was excelling at. After Andrew stopped riding due to him becoming afraid of his horse I bought the family our first computer. Andrew already had a fascination for computers from school and everyone was telling me he was a natural and everyone would need to know about computers. He began diagnosing computers for the family, friends and even sometimes the school when they couldn't get the repair guys out to fix them. The more time he spent on the computer the more he taught himself about computer languages and repairs. I was worried about him spending too much time in his room but I had been the same way myself and his grades were staying up. Everyone just kept telling what a natural he was with the computer. During his Junior High school years he started competing in TSA and continued thru graduation. In Senior High he also began competing in Skills USA where he was taking 1st place in his competitions locally and state wide all 3 years. During his 1st year competing Nationally he took 2nd place in computer repairs and the 2nd year that he went to Nationals he took 1st place in computer repairs. During his Senior year

competing at Nationals he took 3rd place in Computer Diagnostics. During his Senior year also he made it to National Technical Honor Society. During this time he was holding down a parttime job with Clay County Property Appraissor's office and he was driving other students to and from school so they could also participate in Skills USA. After graduation he became full time with the Property Appraiser's office until he received a job offer from FOCUS Software in Tampa, Florida. Upon accepting the job offer with FOCUS he moved to New Port Richey with his dad and step mother where he resided until he purchased his home in Middleburg Florida. After moving back to Middleburg he continued to work for FOCUS, now working from home. He has had numerous friends and family move in with him when they had no where else to go. Some of which I disagreed with but he was always the one to put others ahead of himself and always there to lend a helping hand to everyone that needed it.

After moving into his new home he has taught himself how to cook. And I was always proud of him every Wednesday when I would come by and he had found a new recipe that he thought I would like (which was no easy feat since I am a really a picky eater) and have it ready for me. After I started quilting with Quilting with Compassion group he started going with me and learned how to quilt and also fixed a couple of their sewing machines. He continued with me every Wednesday night until he let a cousin of a friend move in with him that needed a place to stay. She moved in and I understood him wanting to help but things seemed to esclate. After she had her baby her brother moved in for a while and then her mother. All the while Andrew was the sole support even when she was getting food stamps she was using them for herself and her family. After months of her living there and lying to him and leaving her child there with him he asked her to leave. I helped him pack her and her baby's stuff up and I took him and the baby to where she was at and retrieved his car. A few months after that her cousin and her family needed a place to stay and called Andrew and he then allowed them to move in. Now he had 2 adults and 3 kids living off him. Again I voiced my concerns but he stated they were only staying until they got back on their feet. After they moved out they continued to call him to baby sit and another of their cousins started having him pick up her kids cause she was pregnate and couldn't handle them. During all this time I would come by every Wednesday bringing dinner for everyone to make sure he was getting at least 1 meal a week. We would talk on the phone almost every day . On the night before Andrew was arrested we met for dinner at Chik FilA. Up until Andrew's arrest I was concerned with everyone dropping their children off so they could do their own thing and not have to worry about their kids.

I know that there is no way Andrew can ever make up to these children any of the things that he may have done and I know it is your job to see that he does. I hope that you can see that Andrew can be rehabilitated with the proper medical help and medicines. I also know that he must pay for the crimes that he has committed. I am truly sorry for everything that he has done to his victims and their families but ask that you find a way to help bring him back home to me and his family.

Sincerely,

Sharon L. Leslie

Mr. & Mrs. Richard G Lundy

[REDACTED]
Jacksonville, FL 32216-9125

The Honorable Judge Brian Davis
U.S. District Court, Middle District of Florida
Jacksonville Division
300 North Hogan
Jacksonville, FL 32202

October 24, 2017

Dear Judge Davis,

I am writing this letter to discuss my relationship with Andrew Leslie. I would also like to explain why I believe he can still be a productive and useful member of society.

I am a 61 year old male, the cousin of Andrew's mother, Sharon Leslie. I served 37 years for the City of Jacksonville Fire and Rescue Department, retiring as a district fire chief.

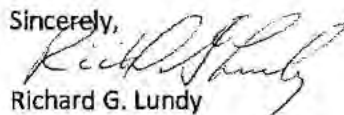
I understand that Andrew has made a plea of guilty to two charges of sexual child abuse and using the children to produce child pornography. I personally am taken back by the seriousness of this crime and feel that this never should have happened. I cannot image the pain and horror the parents of these children must have and are experiencing, in addition to the impact on the children themselves.

We have known Andrew since he was young seeing him at many family functions and family get togethers multiple times each year. Andrew has always been courteous and helpful. He has helped us with questions regarding cell phones and electronics. He has won several awards at major computer competitions. I believe he would be an asset to almost any company utilizing computer skills.

From all my interactions with Andrew he has always been quiet, soft-spoken and appropriate. His mother has told us that Andrew has expressed to her his desire to have professional help to change his thinking and behavior. Andrew is young and I would believe that with help he can be a productive member of society. I would like to see him have a chance at some point in his life to live as normal a life as possible. He has a mother, father and brother along with extended family members willing to help him.

Thank you for the difficult job you do.

Sincerely,


Richard G. Lundy

Benjamin M Lundy
[REDACTED]
Maxville, Florida 32234
[REDACTED]

The Honorable Judge Brian Davis
U.S. District Court, Middle District of Florida
Jacksonville Division
100 North Hogan Street
Jacksonville, Florida 32202

January 7, 2018

The Honorable United States District Judge Brian Davis,

I am writing you concerning my grandson Andrew Leslie in his upcoming sentencing. I am an 83 year old retired truck driver and I live in Clay County. I am aware that Andrew has plead guilty and it truly upsets me that he could harm a child in this way.

When Andrew was growing up he used to help me with programming my remotes and televisions. He would go to church with me until he reached high school. At that point I didn't see him as much but still called upon when I needed his help and saw him when he stopped by. We have gone on two cross country trips in which he would help keep us on the right routes and out of bad weather along the way. Over the years I have depended on his for looking up information for me and doing any research that I have needed.

Andrew grew up with his mom, brother and step dad. He used to barrel race when he was younger. Then he moved on to spending a lot of time working on his computers and helping others when their computers needed attention. I have always felt that his mom was making a mistake letting him spend so much time in his room and on his computer but in his High School years he made us all very proud with his accomplishments in Skills USA at the local, state and national levels. Always finishing first in local and state levels and the top 3 at the National level with a 1st place finish his 2nd year competing. While in high school he took a part time job with the county and upon graduation he went on to work for FOCUS software in Tampa Florida.

During the time that he was in Tampa he lived with his father and I didn't get to see him as much. Upon his return from Tampa he bought a house in Middleburg and continued to work for FOCUS from home. There were times when I didn't agree with his choice of friends. He was always there lending a helping hand to whoever needed it if he could help.

I am very disappointed in the choices he has made and want him to pay for what he has done, but I do not want him to pay for more than he has done. I ask that he is provided with the help that he needs to rehabilitate himself to become a better person I feel like he can be and be able to rejoin society.

Sincerely,

Benj M. Lundy

Thomas Wilfrid

Maxville, Florida 32234

The Honorable Judge Brian Davis
U.S. District Court, Middle District of Florida
Jacksonville Division
100 North Hogan Street
Jacksonville, Florida 32202

January 7, 2018

The Honorable United States District Judge Brian Davis,

I would like to talk to you about Andrew Leslie. My name is Thomas Wilfrid and I have had the honor and privilege of being Andrew's stepdad for the 23 years. I am 62 years old and disabled and retired. I became sick 2 years ago with stage 4 cancer in which I lost my left eye. He has given me nothing but pride and joy during this time. He is a loving, caring and honest young man. He has always been there helping his family and others. He has always put his family and friends first. During the time when I was first diagnosed with cancer Andrew drove home from helping a friend out of state back to Maxville so he could take me to the hospital and stay with me while biopsies were being done. He has given me the will to fight and survive.

He always did well in school and took pride in representing his school in TSA and Skills USA. He got a part time job with Clay County Property Appraiser's Office while in high school. After high school the job became full time until he was offered a job with FOCUS Software Company Out Of Tampa Fl where he became a programmer and supervisor. At the age of 20 he purchased his first house back here in Middleburg and began working from home. Which was a blessing to me when I became sick and he was here to take me to and from doctor appointments until his arrest.

I don't know what happened with the crimes he committed and I am sad for the victims and the families involved. But that is not the person that person I know and I know you must seek justice for them but I am asking that you seek justice for Andrew also. I feel that there is an illness involved and that he needs help not prison. Please give him the chance to make things right and redeem himself and to get the help that is needed. He has never been in trouble before. It is to my understanding that he is working with Homeland Security trying to help stop this from happening to any other children. Please give us the chance to see that he gets the help that he needs. Let him prove to all of us that this is wrong and that this will never happen again. There is so much good in him, please help him find his way back to us.

I pray for him and the victims and their families as I pray for you to for your help in finding justice for all.

God bless and thank you.

Thomas Wilfrid

January 11, 2018

Dear Judge Davis,

My intent for this document, is to provide additional information for consideration concerning the sentencing hearing for Andrew Ryan Leslie .

I am Benjamin Joseph Lundy 58, Andrew's uncle. I live at [REDACTED] Clay Hill, FL 32234. I am currently employed by the Clay County School Board, as a bus mechanic. I am Also a 23 yr veteran of the United States Armed Forces.

Although I Have not been privileged to any of the evidence Andrew was convicted of, I understand that Andrew plead guilty to federal charges.


Andrew, as a child and teen demonstrated respect and compassion others, and the ability to determine the difference between right and wrong. Andrew, to the best of my knowledge, was always a well-mannered student and maintained good grades. During high school, Andrew's main interest was computer science and was a member of the Middleburg High Computer Club. After graduation, Andrew moved to Tampa for a period. Upon Andrew's return to Clay County, Andrew purchase a home and worked for a IT firm.

Approximately 3 years ago, I began racing go karts and Andrew would attend the races with me about twice a month for about a year. During this time Andrew was well liked by everyone at the events, and would try to help anyone he could. Andrew stopped going to the races when the local track closed.

In my opinion, it would take a severely disturbed individual to do the things that Andrew confessed to, and it is my hope that he receives the psychological help he needs. It is also my hope that, the legal system uses the information from this case and Andrew's skills and abilities to help stop as much of this type of criminal activity as possible.

In closing I would like to express my sincere apology and sympathy to the families affected by my nephew's actions.

Respectfully,



Benjamin J. Lundy

Linda Swagel
[REDACTED]

January 29, 2018

Jacksonville FL 32210
[REDACTED]

Dear Judge Davis

I am writing this letter to provide the court with information about Andrew Ryan Leslie for the upcoming sentencing hearing.

My name is Linda Swagel, I live in Jacksonville, FL, I work for the U.S. Postal Service, been there for 30 years. I am friends with Andrew's mom Sharon Leslie, I have know her for 30 years, we work in the same building. I've known Andrew since he was born. His mother and I car pooled for several years, I was with her when she would drop Andrew off at the baby sitters house and when she picked him up. I've been to her home in Middleburg where they lived.

Andrew has always been a quiet and shy boy, always well mannered and polite. Always did what his mom asked of him, always with a yes ma'am or no ma'am response.

I am aware that Andrew Ryan Leslie pleaded guilty to a federal charge. I was shocked when his mom told me what he was chargd with, knowing the Andrew I knew, I couldn't believe it. I know what he did was wrong, I do not condone this at all, I know he will have to serve time for his crime, I'm asking the court for leniency for his sentencing.

Sincerely,



Linda Swagel

William Hough
[REDACTED]

Jacksonville, Florida 32218
[REDACTED]

The Honorable Judge Brian Davis
U.S. District Court, Middle District of Florida
Jacksonville Division
100 North Hogan Street
Jacksonville, Florida 32202

January 7, 2018

The Honorable United States District Judge Brian Davis,

My name is William Hough and I work as a truck driver for the United States Post Office. I am writing on behalf of Andrew Leslie. I have known him through his mom for around 15 years. During that time I have had the occasion to meet him and get to know him.

Over the years he has helped me with my computer when it needed fixing and I have always heard good things about him from his mom. I have never heard of him getting into trouble or anything else bad about him. Over the years I have become his mom's boyfriend and I helped him on his move into the house he purchased in Middleburg. During which time he was always polite and very helpful.

Over the next couple of years I saw the way he helped others and was always there no matter what they needed. I have seen him open up his home to friends who had nowhere else to go and even go above and beyond for them. I did become concerned when it seemed like everyone wanted him to babysit for them so they could all do their thing. Even when some of the families were living with him he was always the one caring for the kids. My observations were always of how much he loved them and was trying to help them. As he was raised to be a kind and loving person I could not foresee anything wrong with that. Yes I am understanding that he took the love he had for these children and took it too far and it's not right with what he has done. I am asking that you see he has made a very bad choice, but with his age he can be redeemed and with proper treatment he can truly learn the difference in between love and what is right and wrong. I understand that he is going to do time but ask that you see the real Andrew can be redeemed and try to make things right.

Sincerely,



To The Honorable United States District Judge Brian Davis

The purpose of this letter is about Andrew Ryan Leslie and I am hoping and praying that the outcome of the decision you will impose on Andrew will be just and lenient.

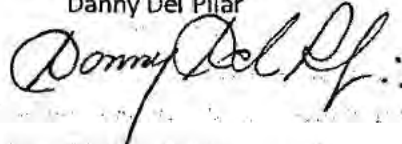
My name is Danny Del Pilar and I live now at Panama City FL. I am currently working as a Utility worker for a transit company . I am 63 years old and have been working far too long as I can remember. I have lived in Jacksonville from 1995 up until 2012 working for the Post Office and have known Andrew since then because of working with his mother. When I first heard of Andrew's case, I felt shocked, confused and bewildered because this isn't the boy I saw grow up to be. I can not condone what he has done and I believe in the law. I still can not believe how this boy who was raised by his mother become the person he is.

I worked with his mother, Sharon L Leslie, while working for the Post Office and have known Andrew for 13 years and saw him growing up. He was a very good student while going to school, getting good grades, perfect attendance, and very much into computers. He was in a computer club in school and use to compete with other schools in the country which his mother always attended. They did so well , that the school went into nationals that he won ribbons and trophies. We always worked together building computers. I had spare parts and he use to come over and work on them to build them and program them. I believe his ambition was in computer science and his intentions was to major that in college. His upbringing was normal because his mother always made sure that he did well in school. His home envirement as far as I could see was great. Family gatherings during holidays, his mother always attending his schools funtions. Andrew is very close to his brother David, who always did things together as a family. I remember one time when I got involved in a major car accident that his mother came to the scene with him and when he saw me he hugged me, seeing that I was ok. I love Andrew as if he is my own son. Thats why I can not believe that the boy I saw grow up is the person he is now.

Judge, the law is the law and I don't know if there is any leniency to the crime he has committed but I do know in my heart that Andrew is a very good kid. I am sure that Andrew is aware of what he did is wrong and he is paying the price of the mistake he has done. I just hope and pray that Andrew has learned from the mistake he has done. Forgive me for my ramblings but I can not wrap my head around this.

Again Judge Davis, I apologize for Andrew's misconduct. I am truly sorry.

Danny Del Pilar

A handwritten signature in dark ink, appearing to read "Danny Del Pilar", with a stylized flourish at the end.

For The Honorable Judge Davis U.S. District Court, Middle District of Florida Jacksonville
Division 300 North Hogan Street Jacksonville, FL 32202

I am writing this letter to provide the court with additional information about Andrew Leslie for his upcoming sentencing hearing and I hope it will be helpful to the Honorable Judge Davis. My name is Kennedy Bates Compton I am a 23 year old certified nursing assistant, criminal justice student and mother to three children. I have been made aware of the charges that Andrew has plead guilty to. Although these charges are the last that anyone would have expected from him, I am also aware that they are very serious federal charges.

Andrew is not the person that anyone would foresee these actions from, he is kind and giving. He is the person that when everyone else abandons you, still stands beside you. I say these things because I have seen him help others without regard for himself more times than I can count in the roughly eight years I have been in his life. For example, he has drove 800 miles to help me after surgery, and defend me when everyone else tried to condemn me because I was a teenage mother. He was also the only person to help my disabled mother move when she was evicted he went as far as to help her cover the costs and make sure she had food for her and my sister. He is the only person in my life that I have never seen abandon nor harm anyone, which is what made the charges hard to accept. He has been my best friend longer than I have been my own friend.

Aside from the things he has done for me, I have seen him help mutual friends out of abusive relationships, give people who had nowhere to go a place to stay, put himself in debt to help those who only tried to hurt him, as well as support people that were never able to make the choice to help themselves. In short he has made more selfless choices than I can say I am capable of and put himself aside to do the right thing even when advised that it would only hurt him in the long run. I understand that he has also made some really bad choices leading to this point, but I sincerely hope that this letter helps shed some light onto the person that we all know and love him as being.

Kennedy Bates Compton

██████████ Elizabethton TN 37643

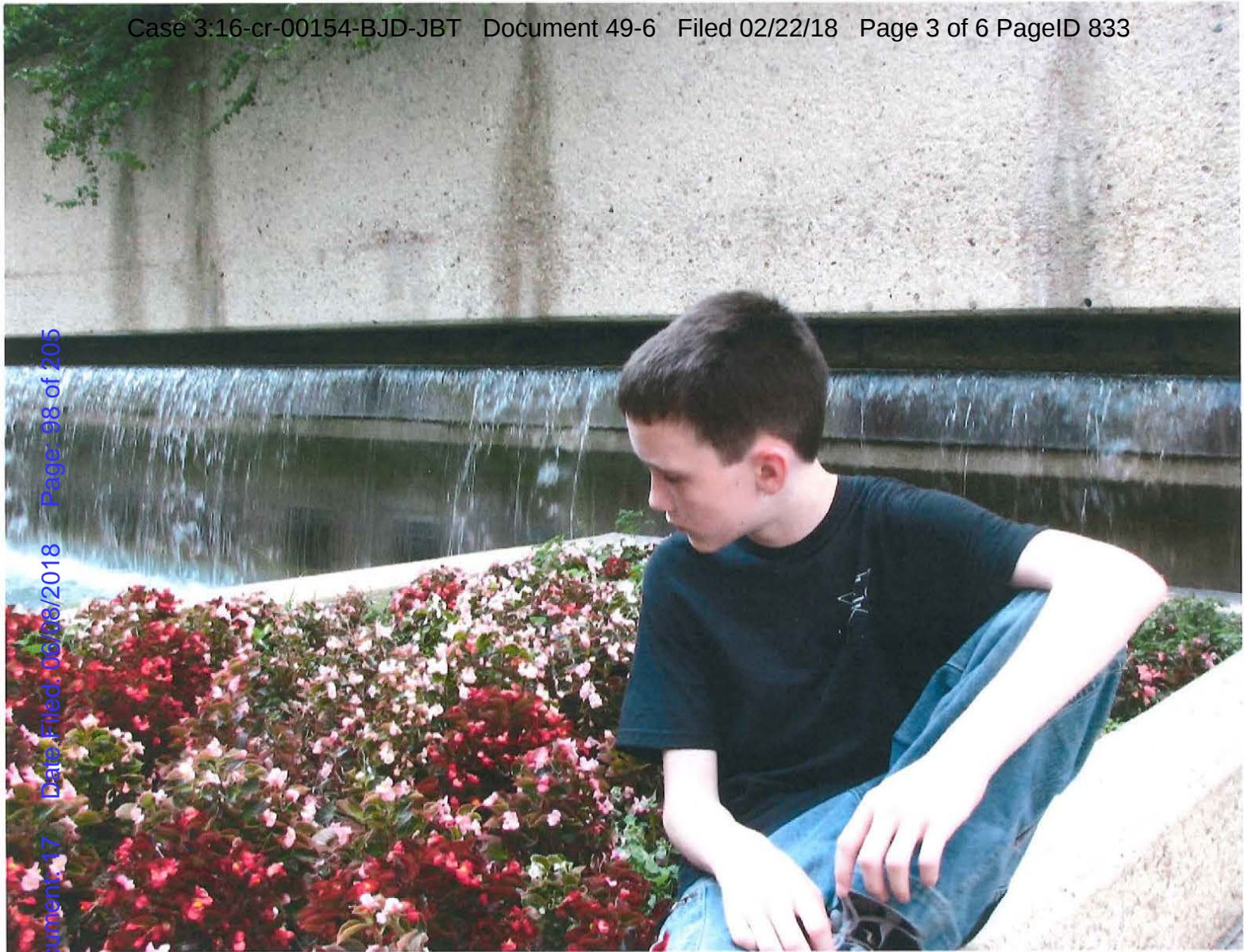
United States v. Andrew Ryan Leslie

Case No. 3:16-cr-154-J-39JBT

Exhibit 6

Photos





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USCA11 Case: 18-11183 Document: 17 Date Filed: 06/08/2018 Page: 101 of 205



Cady Studios

United States v. Andrew Ryan Leslie

Case No. 3:16-cr-154-J-39JBT

Exhibit 7

School Transcript

Official Transcript

Prepared date: Nov 2, 2016

Middleburg High 3750 COUNTY ROAD 220 MIDDLEBURG, FL 32068 (904) 336-8075	Student: Leslie, Andrew Ryan [REDACTED] MAXVILLE, FL 32234	<div style="background-color: black; color: white; text-align: center; padding: 2px;"> (Graduation Summary) </div> Enter Date: [REDACTED] Graduation Date: May 31, 2013 Diploma Type: Standard HS Diploma [W06] Diploma Designation: FCAT Reading: 042011 FCAT Math: 042011
<div style="background-color: black; color: white; text-align: center; padding: 2px;"> GPA Summary </div> Weighted GPA: 3.412 Unweighted GPA: Weighted Class Rank is: 95/403 Total Credits Attempted: 28.50 Total Credits Earned: 28.50 Total Community Service Hours: 99 Requirement Met: Not applicable [Z]	Student ID: [REDACTED] SSN: [REDACTED] Grade: 12 Gender: Male Country of Birth: United States [US] Date of Birth: Jan 16, 1995	<div style="text-align: center; padding: 5px;"> Special Programs </div> ESE Student: ESE Matrix Code: ELL Student: Not applicable [ZZ] 504 Student: Not 504 Eligible [Z]

A = 90-100, B = 80-89, C = 70-79, D = 60-69, F = 0-59
 Course Flag "X" = Course excluded from GPA, "I" = Course included in GPA

2009-2010	Course	Grade	Credits	Credits	Semester	District School	Graduate Level	Certification	Credit By	Online	Semester	Semester
MIDDLEBURG HIGH SCHOOL	Math	12	3	3	1	MIDDLEBURG HIGH SCHOOL	Standard	None	None	None	None	None

United States v. Andrew Ryan Leslie

Case No. 3:16-cr-154-J-39JBT

Exhibit 8

Verification of Employment

Focus School Software

PO Box 2194 St. Petersburg, FL 33701

Phone: (813) 458-1956

Employee Verification

Employee Name: Andrew Leslie

Employment Number: [REDACTED]

Position Title: Software Engineer

Address: [REDACTED], Middleburg, FL 32068

Telephone: Business N/A Home (904) [REDACTED]

Work location: Employee worked remotely at his home at address listed above

Date of Hire: 07/29/2013

Date of Termination: 10/17/2016


Ending Salary: \$50,400.00

Reason for Termination: No show

Eligible for Rehire: No

FOCUS SCHOOL SOFTWARE
NOV 14 2016

Comments: _____


Signature

11/14/16
Date

Tab 53

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v

ANDREW RYAN LESLIE

Case Number: 3:16-cr-154-J-39JBT

USM Number: 67789-018

Mark Rosenblum, FPD
Suite 1240
200 W Forsyth St
Jacksonville, FL 32202

JUDGMENT IN A CRIMINAL CASE

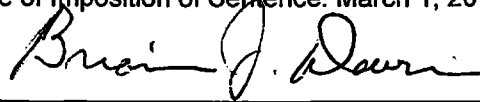
The defendant pleaded guilty to Counts One and Two of the Indictment. The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. §§ 2251 (a) and (e)	Production of Child Pornography	October 2016	One
18 U.S.C. §§ 2251 (a) and (e)	Production of Child Pornography	October 2016	Two

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: March 1, 2018



BRIAN J. DAVIS
UNITED STATES DISTRICT JUDGE

March 5th, 2018

Andrew Ryan Leslie
3:16-cr-154-J-39JBT

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **SEVEN HUNDRED AND TWENTY (720) MONTHS**, this term consists of **THREE HUNDRED AND SIXTY (360) MONTHS** on each of counts One and Two of the Indictment, all such terms to run consecutively.

The Court makes the following recommendations to the Bureau of Prisons:

- Defendant enroll in a mental health program specializing in sexual offender treatment.
- Defendant receive mental health treatment
- Defendant be permitted to participate in any efforts to prevent and/or treat pedophilia, with approval from and under the supervision of the BOP.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

Andrew Ryan Leslie
3:16-cr-154-J-39JBT

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a **LIFE-TERM**, this term consists of **LIFE-TERMS** as to Counts One and Two of the Indictment, all such terms to run concurrently. .

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The mandatory drug testing requirements of the Violent Crime Control Act are waived, however, the Court orders the defendant to submit to random drug testing not to exceed two (2) tests per week.
4. You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

The defendant shall also comply with the additional conditions on the attached page.

Andrew Ryan Leslie
3:16-cr-154-J-39JBT

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame. After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when the defendant must report to the probation officer, and the defendant must report to the probation officer as instructed.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within **72 hours**.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchucks or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature: _____

Date: _____

ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

1. Defendant shall participate in a mental health treatment program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, defendant shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Mental Health Treatment Services.
2. Defendant shall participate in a mental health program specializing in sexual offender treatment and submit to polygraph testing for treatment and monitoring purposes. Defendant shall follow the probation officer's instructions regarding the implementation of this court directive. Further, defendant shall contribute to the costs of such treatment and/or polygraphs not to exceed an amount determined reasonable by the probation officer based on ability to pay or availability of third party payment and in conformance with the Probation Office's Sliding Scale for Treatment Services.
3. Defendant shall register with the state sexual offender registration agency(s) in any state where defendant resides, visits, is employed, carries on a vocation, or is a student, as directed by the probation officer.
4. The probation officer shall provide state officials with all information required under Florida sexual predator and sexual offender notification and registration statutes (F.S. 943.0435) and/or the Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248), and may direct the defendant to report to these agencies personally for required additional processing, such as photographing, fingerprinting, and DNA collection.
5. Defendant shall have no direct contact with minors (under the age of 18) without the written approval of the probation officer and shall refrain from entering into any area where children frequently congregate including: schools, daycare centers, theme parks, playgrounds, etc.
6. Defendant is prohibited from possessing, subscribing to, or viewing, any images, video, magazines, literature, or other materials depicting children in the nude and/or in sexually explicit positions.
7. Without the prior written approval of the probation officer, the defendant is prohibited from either possessing or using a computer (including a smart phone, a hand-held computer device, a gaming console, or an electronic device) capable of connecting to an online service or internet provider. The prohibition includes a computer at a library, an internet café, the defendant's place of employment, or an educational facility. Also, defendant is prohibited from possessing an electronic data storage medium (including flash drive, a compact disk, and a floppy disk) or using any data encryption technique or program. If approved to possess or use a device, the defendant must permit routine inspection of the device, including the hard drive and any other electronic data storage medium, to confirm adherence to this condition. The United States Probation Office must conduct the inspection in a manner no more intrusive than necessary to ensure compliance with this condition. If this condition might affect a third party, including the defendant's employer, the defendant must inform the third party of this restriction, including the computer inspection provision.
8. Defendant shall submit to a search of your person, residence, place of business, any storage units under your control, computer, or vehicle, conducted by the United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition. Failure to submit to a search may be grounds for revocation.
9. Defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or obligating yourself for any major purchases without approval of the probation officer.
10. Defendant shall provide the probation officer access to any requested financial information.

CRIMINAL MONETARY PENALTIES

Andrew Ryan Leslie
3:16-cr-154-J-39JBT

The defendant must pay the following total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

	<u>Assessment</u>	<u>JVTA Assessment</u> ¹	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$200.00	\$0.00	\$0.00	Undetermined

The victims' losses are undetermined and the Court shall set a date for the final determination of the victims' losses within 90 days from the date of the sentencing.

SCHEDULE OF PAYMENTS

The Special Assessment in the amount of **\$200.00** is due in full and immediately.

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

Based on the financial status of the defendant, the Court waives the imposition of a fine. The Court finds that the defendant is indigent and the \$5,000.00 special assessment pursuant to 18 U.S.C. § 3014, is not imposed.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

¹ Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

² Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Tab 57

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 3:16-cr-154-J-39JBT

ANDREW RYAN LESLIE
_____ /

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Andrew Ryan Leslie, Defendant above named, hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the final Judgment in a Criminal Case entered in this action on March 7, 2018.

DATED this 21st day of March, 2018.

DONNA LEE ELM
FEDERAL PUBLIC DEFENDER

s/ Mark Rosenblum
Mark Rosenblum - Florida Bar No. 0289175
Assistant Federal Defender
200 West Forsyth Street, Suite 1240
Jacksonville, Florida 32202
Telephone: 904-232-3039
Fax: 904-232-1937
E-Mail: mark_rosenblum@fd.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 21, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/ Mark Rosenblum
Mark Rosenblum
Assistant Federal Defender

Tab 65

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA, Jacksonville, Florida
Plaintiff, Case No. 3:16-cr-154-J-39JBT
-vs- Friday, October 6, 2017
ANDREW RYAN LESLIE, 2:06 p.m.
Defendant. Courtroom 5A

DIGITALLY RECORDED CHANGE OF PLEA
BEFORE THE HONORABLE JOEL B. TOOMEY
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S

GOVERNMENT COUNSEL:

Rodney Brown, Esquire
U.S. Attorney's Office
300 North Hogan Street, Suite 700
Jacksonville, FL 32202

DEFENSE COUNSEL:

Mark Rosenblum, Esquire
Federal Defender's Office
200 West Forsyth Street, Suite 1240
Jacksonville, FL 32202

OFFICIAL COURT REPORTER:

Shelli Kozachenko, RPR, CRR, CRC
221 North Hogan Street, #185
Jacksonville, FL 32202
Telephone: (904) 301-6842

(Proceedings recorded by electronic sound recording;
transcript produced by computer.)

P R O C E E D I N G S

Friday, October 6, 2017

2:06 p.m.

- - -

COURT SECURITY OFFICER: All rise. United States District Court in and for the Middle District of Florida is now in session, the Honorable Joel B. Toomey presiding.

Please be seated.

THE COURT: This is the case of the United States versus Andrew Ryan Leslie, Case No. 3:16-cr-154.

And the defendant's present, along with his attorney, Mr. Rosenblum, and Mr. Brown's here for the government.

And I've been provided with a written plea agreement. Is it the defendant's intention to enter a plea pursuant to this agreement?

MR. ROSENBLUM: Yes, Your Honor.

THE COURT: All right. Mr. Leslie, if you can come up here to the podium with your attorney.

Madam Clerk, if you could swear in the defendant.

COURTROOM DEPUTY: Do you solemnly swear that the answers you will give during these proceedings will be the truth, the whole truth, and nothing but the truth?

THE DEFENDANT: Yes, ma'am.

COURTROOM DEPUTY: And please state your name for the record.

THE DEFENDANT: Andrew Ryan Leslie.

1 THE COURT: And you've just taken an oath to tell the
2 truth. If you do not tell the truth or if you omit or leave
3 anything important out, your testimony could form the basis of
4 a prosecution for perjury or making a false statement, which
5 are felonies.

6 In addition, your testimony can be used against you
7 in any proceedings if you challenge the taking of the plea, the
8 judgment, the conviction, or the sentence.

9 So do you understand what I've explained and the
10 importance of having been placed under oath?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And are you a United States citizen?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: It is your right to plead guilty to these
15 charges. However, before the Court may accept a plea of
16 guilty, it's necessary that the Court find that your plea is
17 made freely and voluntarily and that there's a factual basis
18 for your plea. It's therefore necessary for me to ask
19 questions about the offenses to which you plead.

20 If you don't understand the questions or the words
21 that I use, feel free to ask that they be explained.

22 You may consult with your lawyer about any matter
23 during the questioning. If necessary, I will recess the
24 proceedings and allow you as much time as you need to meet
25 privately with your lawyer.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And has the government complied with the
5 Crime Victims' Rights Statute?

6 MR. BROWN: Yes, Your Honor.

7 THE COURT: Now, I'm a magistrate judge, and your
8 case is also assigned to a district judge.

9 You have the right to have your guilty plea taken by
10 a district judge, or you could consent to have it taken by a
11 magistrate judge, such as myself.

12 Even if you consent to have your guilty plea taken by
13 me, the magistrate judge, the district judge will still decide
14 whether to accept your plea, and if it is accepted, the
15 district judge will be the one who imposes sentence.

16 So if you consent to having me, the magistrate judge,
17 take your plea, you're also waiving or giving up your right to
18 have the district judge take your plea.

19 So do you understand your right to have the district
20 judge take your plea?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And do you want to waive that right and
23 allow me, the magistrate judge, to take your plea?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Did you sign a consent form allowing me

1 to do that?

2 THE DEFENDANT: I did, sir.

3 THE COURT: And, Mr. Rosenblum, did you sign it as
4 well and explain it to your client?

5 MR. ROSENBLUM: Yes, Your Honor.

6 THE COURT: And has anybody threatened you in any way
7 or promised you anything in order to get you to waive this
8 right?

9 THE DEFENDANT: No, sir.

10 THE COURT: Is it your own independent decision to
11 waive this right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I find the defendant has made a willing
14 and voluntary waiver of his right to have the district judge
15 take his plea and freely and voluntarily consented to allowing
16 me, the magistrate judge, to take his plea.

17 Now I need to ask you some background questions
18 again.

19 What was your full name?

20 THE DEFENDANT: Andrew Ryan Leslie.

21 THE COURT: And what's your date of birth?

22 THE DEFENDANT: January 16th, 1995.

23 THE COURT: And how far did you go in school?

24 THE DEFENDANT: I graduated high school.

25 THE COURT: And so can you read, write, and

1 understand English?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And are you currently under the influence
4 of any drugs, alcohol, or other intoxicants?

5 THE DEFENDANT: No, sir.

6 THE COURT: Are you currently under the influence of
7 any medications?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: What medications have you taken?

10 THE DEFENDANT: Lexapro and Zyprexa.

11 THE COURT: And what are -- are those prescribed
12 medications?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And what are they prescribed for?

15 THE DEFENDANT: Lexapro's an antidepressant and
16 Zyprexa is an antipsychotic and mood stabilizer.

17 THE COURT: It's a what, now?

18 THE DEFENDANT: Antipsychotic and mood stabilizer.

19 THE COURT: And have you had those within the last 48
20 hours?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Did you take them in the prescribed
23 dosages?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And do those medications have any

1 negative impact on your ability to understand these
2 proceedings?

3 THE DEFENDANT: No, sir.

4 THE COURT: And so you are currently receiving either
5 medical or mental health care?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And what are you receiving care for?

8 THE DEFENDANT: Depression and overwhelming thoughts.

9 THE COURT: All right. What was the second one?

10 THE DEFENDANT: Overwhelming thoughts.

11 THE COURT: Overwhelming thoughts.

12 And what type of doctor is treating you?

13 THE DEFENDANT: A psychiatrist.

14 THE COURT: Are you being treated for anything else?

15 THE DEFENDANT: No, sir.

16 THE COURT: All right.

17 THE DEFENDANT: I take that back, Your Honor. I'm
18 being treated for back pain, but that's not mental illness.

19 THE COURT: Okay. Are you taking any medications for
20 the back pain?

21 THE DEFENDANT: Ibuprofen.

22 THE COURT: And have you taken that in the last 48
23 hours?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Is that prescribed also?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And did you take that in the prescribed
3 dosage?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And does that have any impact on your
6 ability to understand these proceedings?

7 THE DEFENDANT: No, sir.

8 THE COURT: Other than what you mentioned, have you
9 ever been treated for or suffered from any mental or emotional
10 illness?

11 THE DEFENDANT: Well, at 16 I was diagnosed with
12 depression also.

13 THE COURT: Okay. And how long were you treated for
14 that?

15 THE DEFENDANT: For a year.

16 THE COURT: And any other mental health treatment?

17 THE DEFENDANT: No, sir.

18 THE COURT: And right now do you clearly understand
19 where you are, what you're doing, and the importance of this
20 proceeding?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And, Mr. Rosenblum, do you have any
23 concern regarding the defendant's competency to enter a plea at
24 this time?

25 MR. ROSENBLUM: No, Your Honor.

1 THE COURT: Any other questions you'd like me to ask?

2 MR. BROWN: No, Your Honor.

3 THE COURT: All right. You can have a seat back at
4 the table.

5 Now, you have a right to plead not guilty, as you've
6 previously done, and to persist in that plea. If you maintain
7 your plea of not guilty, you have the following rights under
8 the Constitution and laws of the United States:

9 You have the right to a speedy and public trial and
10 to be tried by a jury of 12 persons, or by the judge if you
11 waive a jury trial. If you're tried by a jury, all 12 of the
12 jurors must unanimously agree on your guilt before you can be
13 convicted.

14 You're presumed innocent. Before you can be found
15 guilty, the burden of proof is on the government to prove your
16 guilt by competent and sufficient evidence beyond a reasonable
17 doubt. You do not have to prove that you're innocent.

18 You have the right to have the assistance of an
19 attorney at the trial and at every stage of these criminal
20 proceedings.

21 At your trial witnesses for the government have to
22 come into court and testify in your presence. You have the
23 right to confront these witnesses against you, meaning to see,
24 hear, question, and cross-examine the witnesses.

25 Your attorney can object to evidence offered by the

1 government and offer evidence on your behalf.

2 At trial you may present witnesses in your own
3 defense, and if they will not appear voluntarily, I can issue
4 orders to make them come to the trial.

5 You need not make any statement about the charges,
6 and you may not be compelled to incriminate yourself or testify
7 at trial. On the other hand, if you wish to testify at your
8 trial, you could do so. The choice is entirely up to you.

9 Now, if you plead guilty, there will be no further
10 trial of any kind, and on your plea the Court will find you
11 guilty and convict you.

12 A plea of guilty admits the truth of the charges, but
13 a plea of not guilty denies the charges.

14 Has this been explained to you by your lawyer?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: If you choose to plead guilty, you must
17 give up the right not to incriminate yourself because I have to
18 ask you questions about the crimes to which you plead guilty to
19 satisfy myself that there's a factual basis for your plea.

20 By pleading guilty, you also waive and give up your
21 right to trial, to confrontation and cross-examination of
22 government witnesses, and to compulsory process for attendance
23 of defense witnesses at trial.

24 So there will be no trial. The next step would be
25 sentencing.

1 Now, you may have defenses to the charges, but if you
2 plead guilty, you waive and give up your right to assert any
3 possible defenses.

4 Has your lawyer discussed with you any defenses that
5 may be available to you?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: By pleading guilty you also waive and
8 give up your right to challenge the way the government obtained
9 any evidence, statement, or confession.

10 In addition, by pleading guilty you may lose the
11 right to challenge on appeal any rulings which the Court has
12 made in your case.

13 By pleading guilty to these felonies, you may lose
14 certain civil rights, such as your right to vote, to hold
15 public office, to serve on juries, and to own and possess
16 firearms and ammunition.

17 A felony conviction may also prevent you from
18 obtaining or keeping certain occupational licenses.

19 So do you fully understand all the rights that you
20 have and the rights that you waive and give up by pleading
21 guilty?

22 THE DEFENDANT: I do, Your Honor.

23 THE COURT: The federal sentencing guidelines apply
24 to your case.

25 Have you discussed the sentencing guidelines with

1 your attorney?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: I won't go into too much detail about the
4 guidelines since you've discussed them with your lawyer, but I
5 do have to make sure you understand certain things about how
6 the sentencing process works.

7 The Court will not be able to determine your
8 guideline sentence until after the presentence report has been
9 completed by the probation office.

10 After it's been determined what guidelines apply to
11 your case, the district judge still has the authority to impose
12 a sentence that is either more severe or less severe than the
13 sentence called for by the guidelines. So the guidelines are
14 only advisory. The district judge can impose any sentence up
15 to the maximum permitted by law.

16 In determining a sentence, the district judge is
17 obligated to calculate the guideline range and to consider that
18 range and also consider possible departures under the
19 guidelines and other sentencing factors that are listed in a
20 statute, 18, U.S. Code, Section 3553(a).

21 Also, under some circumstances the government may
22 have the right to appeal any sentence that the district judge
23 imposes and ask a higher court to impose a more severe
24 sentence.

25 Parole's been abolished, and if you're sentenced to

1 prison, you'll not be released on parole.

2 So as we sit here today, nobody can tell you what
3 your sentence is going to be. The sentence imposed could be
4 different than any estimated sentence your attorney or anyone
5 else has given you.

6 It could be more severe than you expect, but even if
7 that happens, you'll still be bound by your guilty plea and
8 will not have the right to withdraw it.

9 Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And do you understand all the things I've
12 just explained about sentencing?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And did you receive a copy of the
15 indictment in your case?

16 THE DEFENDANT: I did, sir.

17 THE COURT: And have the charges been read and
18 explained to you by your attorney?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And the charges against you in both
21 Counts One and Two charge you with production of child
22 pornography, in violation of 18, U.S. Code, Sections 2251(a)
23 and 2251(e).

24 Do you fully understand the charges contained in the
25 indictment?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you have any questions about the
3 charges?

4 THE DEFENDANT: No, sir.

5 THE COURT: Now, the necessary elements the
6 government must prove beyond a reasonable doubt in order for
7 you to be convicted on these charges are as follows, and
8 they're listed on page 3 of your plea agreement:

9 First, that an actual minor, that is, a real person
10 who is less than 18 years old, was depicted;

11 Second, that you employed, used, persuaded, induced,
12 enticed, or coerced a minor to engage in sexually explicit
13 conduct for the purpose of producing visual depictions of the
14 conduct; and

15 Third, that such visual depictions were produced
16 using materials that had been mailed, shipped, or transported
17 in interstate or foreign commerce.

18 So do you understand the elements of the charge which
19 the government would have to prove beyond a reasonable doubt
20 for you to be convicted?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you have any questions --

23 THE DEFENDANT: No, sir.

24 THE COURT: -- about the elements?

25 Now, this crime is punishable by the following

1 minimum and maximum penalties, which are listed on pages 1
2 through 3 of your plea agreement:

3 They're each -- each count's punishable by a
4 mandatory minimum term of imprisonment of not less than 15
5 years and not more than 30 years, a fine of \$250,000, or both
6 the imprisonment and the fine, a term of supervised release
7 after prison of not less than five years up to life, a special
8 assessment of a hundred dollars, and \$5,000 on any nonindigent
9 defendant.

10 And then if the Court sentences you on each count
11 consecutively, you're looking at a total cumulative sentence of
12 a minimum mandatory term of imprisonment of not less than 30
13 years and not more than 60 years, fines totaling \$500,000, or
14 both the imprisonment and the fine, a term of supervised
15 release after prison of not less than five years up to life,
16 special assessments of either \$200 or \$10,000.

17 And then, once you're on supervised release, if
18 you're required to register under the Sex Offender Registration
19 and Notification Act, which you will be, and then you commit
20 any criminal felony offense under 18, U.S. Code, Chapters 109A,
21 110, or 117, or Sections 1201 or 1591, then the Court shall
22 revoke your term of supervised release and sentence you to a
23 term of imprisonment of not less than five years and up to life
24 per count.

25 If you violate your supervised release in any other

1 way, it's punishable by a term of imprisonment of up to three
2 years, and you can get an additional term of supervised
3 release.

4 And then the Court will also order you to make
5 restitution to any victims of the offenses and provide notice
6 of the conviction to victims of the offense.

7 The Court also may require you to forfeit certain
8 property to the government.

9 Have I accurately stated the minimum and maximum
10 penalties?

11 MR. BROWN: Yes, Your Honor.

12 THE COURT: Mr. Rosenblum, do you agree?

13 MR. ROSENBLUM: Yes, Your Honor.

14 THE COURT: So do you understand the minimum and
15 maximum penalties you face for each count?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand the total cumulative
18 minimum and maximum penalties you face for both counts?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And do you understand that these maximum
21 penalties are a possible consequence of your guilty plea?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And do you have any questions about
24 anything I've explained thus far?

25 THE DEFENDANT: No, sir.

1 THE COURT: Have you fully discussed all these
2 matters with your lawyer?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: And do you understand that there have
5 been discussions between the attorney for the government and
6 your attorney which have resulted in a written plea agreement?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Give that to Mr. Rosenblum.

9 MR. ROSENBLUM: Mr. Leslie, I'm showing you a
10 document that is titled Plea Agreement, and there are initials
11 on each page of this plea agreement, and on page 18 there is a
12 signature that purports to be your signature.

13 So two questions: First of all, is that your
14 signature on page 18?

15 THE DEFENDANT: Yes, sir.

16 MR. ROSENBLUM: And is that your initials on every
17 page of this plea agreement?

18 THE DEFENDANT: Yes, sir.

19 MR. ROSENBLUM: And did you and I review this plea
20 agreement together?

21 THE DEFENDANT: Yes, we did.

22 MR. ROSENBLUM: And did you indicate to me at the
23 time that you understood it?

24 THE DEFENDANT: Yes.

25 MR. ROSENBLUM: And that you wanted to enter into it?

1 THE DEFENDANT: Yes, sir.

2 MR. ROSENBLUM: And are you indicating that today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Rosenblum?

5 MR. ROSENBLUM: Your Honor, I can tell you that's my
6 signature on the plea agreement.

7 MR. BROWN: Your Honor, I have the original plea
8 agreement that was negotiated between the parties through
9 counsel in this case, and on page 18 of the plea agreement, I
10 recognize the signatures on the right-hand side of the page. I
11 also recognize Mr. Rosenblum's signature, having worked with
12 him for years.

13 But the two on the right-hand side of the page, one
14 belongs to me. I've signed on behalf of the United States
15 because I'm the prosecutor on this case, but also I've signed
16 for my co-counsel, Lauren Britsch, and with her authority to do
17 so.

18 Lastly, the signature that appears on the page at the
19 bottom is that of Kelly Karase, and she's our deputy chief and
20 is authorized to enter into plea agreements on behalf of the
21 United States.

22 Additionally, on the first page of the plea
23 agreement, Your Honor, I recognize the initials of Bonnie
24 Glober in the lower right-hand portion of the page in a section
25 called -- that's referred to as AF approval. That stands for

1 asset forfeiture.

2 Assistant United States Attorney Bonnie Globber is our
3 asset forfeiture specialist and has also approved this plea
4 agreement.

5 THE COURT: Mr. Leslie, did you read the entire plea
6 agreement before signing it?

7 THE DEFENDANT: I did, Your Honor.

8 THE COURT: And did you understand your entire plea
9 agreement?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you have any questions about it?

12 THE DEFENDANT: No, sir.

13 THE COURT: Even though you don't have any questions,
14 I'm still going to go over some of the provisions of the plea
15 agreement, but I'm not going to go over all of them. But, of
16 course, you are bound by the entire plea agreement.

17 You understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now, your plea agreement contains a
20 provision, on page 3, in which the government is agreeing not
21 to charge you with any other federal criminal offenses known to
22 them that relate to the conduct giving rise to the plea
23 agreement.

24 The district judge can only accept a plea agreement
25 that involves an agreement not to pursue other charges if the

1 district judge finds that the remaining charges that you plead
2 guilty to adequately reflect the seriousness of your actual
3 offense behavior and that accepting the agreement will not
4 undermine the statutory purpose of sentencing.

5 You understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Also, in this plea agreement --
8 restitution is normally limited to the conduct in the counts to
9 which you plead guilty. Here, you've waived this limitation
10 and agreed to make restitution to any of your minor victims.

11 You've also agreed not to oppose a bifurcation of the
12 sentencing hearing if the victims' losses are not ascertainable
13 prior to sentencing.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Also, your plea agreement contains some
17 recommendations that the government's agreeing to make about
18 your sentence, in the event no adverse information is received.

19 As your plea agreement states, the government's
20 recommendations are not binding on the district judge. If the
21 judge does not accept the government's sentencing
22 recommendations in your plea agreement, you'll still be bound
23 by your guilty plea and will not have a right to withdraw it.

24 You understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And in your plea agreement, you're
2 agreeing to cooperate with the government. In exchange, the
3 government's merely agreeing to consider whether any
4 cooperation you provide qualifies as substantial assistance
5 such that they may file some type of motion or make some type
6 of recommendation about your sentence.

7 But you've agreed that that determination is solely
8 in their discretion, and you're not going to challenge it in
9 any way.

10 Do you --

11 THE DEFENDANT: Yes, sir.

12 THE COURT: -- understand that?

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You've agreed to forfeit the assets that
16 are listed in the plea agreement.

17 Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And you've agreed and acknowledged that
20 you'll -- that you'll have to comply with the Sex Offender
21 Registration and Notification Act.

22 Do you --

23 THE DEFENDANT: Yes, sir.

24 THE COURT: -- understand that?

25 Also, in paragraph B.7, which starts on page 14,

1 you've agreed to waive your right to appeal your sentence,
2 except in the circumstances that are listed.

3 Normally you'd have a right to appeal your sentence
4 on any ground that you think's appropriate, including an
5 incorrect application of the sentencing guidelines. Under this
6 plea agreement, however, you're waiving and giving up your
7 right to appeal your sentence except in the specific
8 circumstances that are listed.

9 So you could still appeal your sentence on the
10 following grounds: First, on the ground that your sentence
11 exceeds your applicable guideline range, as that range is
12 determined by the Court; or second, that your sentence exceeds
13 the statutory maximum penalty; or third, that it violates the
14 Eighth Amendment to the Constitution; or fourth, if the
15 government appeals your sentence, then you can appeal it also.

16 But other than in those circumstances, you're waiving
17 your right to appeal your sentence.

18 So do you understand what you're waiving and giving
19 up in this portion of the plea agreement?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Did you make this waiver freely and
22 voluntarily?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are there any other provisions of the
25 plea agreement you'd like me to discuss?

1 MR. BROWN: No, Your Honor.

2 THE COURT: Mr. Rosenblum?

3 MR. ROSENBLUM: No, Your Honor.

4 THE COURT: Mr. Leslie, are there any other
5 provisions of the plea agreement you'd like me to discuss with
6 you?

7 THE DEFENDANT: No, sir.

8 THE COURT: And do you understand all the provisions
9 of the plea agreement?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you willing to be bound by the
12 provisions of the plea agreement?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have any promises or assurances been made
15 to you by anyone that are not reflected in the plea agreement?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: And do you fully understand all the other
18 matters we've covered up to this point in the hearing?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And how do you plead, guilty or not
21 guilty, to Counts One and Two of the indictment?

22 THE DEFENDANT: Guilty, Your Honor.

23 THE COURT: Are you pleading guilty because you are
24 guilty?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you now admit that you committed the
2 acts set forth in those charges?

3 (No audible response.)

4 THE COURT: Do you now admit that you committed the
5 acts set forth in those charges?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you understand that a plea of guilty
8 admits the truth of the charges against you?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Is your plea entered with an
11 understanding of what you're doing here today?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Now we'll hear from the prosecutor a
14 proffer of facts that the government must prove beyond a
15 reasonable doubt in order for there to be a conviction in your
16 case.

17 Please listen carefully because I will ask if you
18 agree with what the prosecutor says. It's also important
19 because this information will be used by the probation office
20 in preparing your presentence investigation report.

21 Mr. Brown?

22 MR. BROWN: If this case were to proceed to trial,
23 the United States would, through testimony and evidence, prove
24 the following facts beyond a reasonable doubt:

25 In 2015, agents with the United States Department of

1 Homeland Security, Homeland Security Investigations, or HSI,
2 began an investigation into certain websites known to host
3 images and videos depicting child pornography. This
4 investigation targeted individuals who were users of such
5 websites where child pornography was exchanged.

6 In 2016, Defendant Andrew Ryan Leslie was identified
7 as a member of one of those websites. Further investigation
8 revealed that Leslie resided in Middleburg, Florida.

9 On October 18, 2016, HSI agents and other law
10 enforcement officers executed a federal search warrant at
11 Leslie's residence in Middleburg, Florida. Upon entry into the
12 residence, agents observed Leslie as Leslie emerged from the
13 master bedroom. Leslie stated in substance that a minor female
14 child, referred to by Leslie as a toddler, had been in bed with
15 Leslie when the agents arrived.

16 During the execution of the search warrant, HSI
17 agents located, on a nightstand located next to Leslie's bed in
18 the master bedroom, a Canon PC1737 Powershot A3400 IS digital
19 camera bearing serial No. 432061019849 that was manufactured in
20 China.

21 Contained within the camera was an SD adapter and a
22 micro SD card. This micro SD card was a Toshiba 8GB HC Micro
23 SD card bearing serial No. 1403RP4801P that was manufactured in
24 Taiwan. This camera and this SD card each were shipped and
25 transported in or affecting interstate and foreign commerce.

1 During a forensic preview, agents discovered that the
2 SD card contained a series of pornographic images depicting
3 Leslie with two different minor female children. In several
4 images, the same prepubescent minor child, or Child 1, who was
5 approximately two years old at the time, was in a bed -- was in
6 the bed with Leslie that morning was depicted. Other images
7 depicted a different infant female child, Child 2, who was
8 approximately seven months old at the time.

9 These images depicted, among other things, Child 1
10 being vaginally and orally penetrated by Leslie's penis. There
11 were also images depicting the lascivious exhibition of child
12 2's genitalia.

13 In several images Leslie's depicted gripping his own
14 penis and contacting the genitalia of Child 1 with it. All the
15 images on the Toshiba SD card, 42 in total, were produced by
16 Leslie on October 14, 2016, using the Canon Powershot digital
17 camera.

18 HSI agents also seized numerous items of computer
19 media from Leslie's residence, including several laptop
20 computers, computer hard disk drives, tablets, cell phones, and
21 cameras.

22 Forensic analysis of these items revealed that Leslie
23 had produced, received, distributed, and -- produced, received,
24 distributed, and possessed numerous images and videos depicting
25 child pornography.

1 Moreover, logs of online conversations between Leslie
2 and other individuals were recovered that demonstrate, among
3 other things, that Leslie had discussed engaging in sexual
4 activity with several minor -- minor children.

5 Leslie acknowledges that there exists a sufficient
6 nexus for purposes of forfeiture between the items specified
7 herein and the criminal conduct set forth above.

8 THE COURT: And is that what you did?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Do you admit the truth of the factual
11 basis and that all of the elements thereof are true and correct
12 as they pertain to you?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: I'm going to ask you the personalization
15 of elements from your plea agreement.

16 Do you admit that an actual -- this is as to Count
17 One. Do you admit that an actual minor, that is, a real person
18 who was less than 18 years old, was depicted?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: In or about October 14th, 2016, in the
21 Middle District of Florida, did you employ and use a Child 1 to
22 engage in sexually explicit conduct, that is, genital to
23 genital and oral to genital sexual intercourse, for the purpose
24 of producing visual depictions of such conduct?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you admit that you produced such
2 visual depictions using materials that had been mailed,
3 shipped, and transported in interstate and foreign commerce,
4 that is, a Canon PC1737 Powershot A3400 IS digital camera
5 bearing serial No. 432061019849 that was manufactured in China
6 and a Toshiba 8GB HC Micro SD card bearing serial No.
7 1403RP4801P that was manufactured in Taiwan?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: As to Count Two do you admit that an
10 actual minor, that is, a real person who was less than 18 years
11 old, was depicted?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: On or about October 14th, 2016, in the
14 Middle District of Florida, did you employ and use Child 2 to
15 engage in sexually explicit conduct, that is, the lascivious
16 exhibition of the minor's genitals, for the purpose of
17 producing visual depictions of such conduct?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you admit that you produced such
20 visual depictions using materials that had been mailed,
21 shipped, and transported in interstate and foreign commerce,
22 that is, a Canon PC1737 Powershot A3400 IS digital camera
23 bearing serial No. 432061019849 that was manufactured in China,
24 and a Toshiba 8GB HC Micro SD card bearing serial No.
25 1403RP4801P that was manufactured in Taiwan?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: I find a factual basis for the plea.

3 Is your plea free and voluntary?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Is your plea of guilty your own

6 independent decision?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Has anyone threatened you, forced you,
9 coerced you, or intimidated you in any way regarding your
10 decision to plead guilty?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Has anyone made any promises or
13 assurances to you of any kind to induce you to plead guilty,
14 other than those stated in your plea agreement?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Are you relying on any other agreement or
17 promise about what sentence will be imposed if you plead
18 guilty, other than what's stated in your plea agreement?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: At this time do you know what sentence
21 you will receive?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: And has anyone promised that you will
24 receive a light sentence or be otherwise rewarded by pleading
25 guilty, other than what's stated in your plea agreement?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Let me ask each attorney, do you assure
3 the Court that as far as you know, no assurances, promises, or
4 understandings have been given the defendant as to a
5 disposition of his case which are different or contrary to
6 what's in the plea agreement?

7 MR. BROWN: I can assure the Court of that, Your
8 Honor.

9 MR. ROSENBLUM: Yes, Your Honor.

10 THE COURT: You've been represented by Mr. Rosenblum.
11 Have you discussed your case fully and explained
12 everything you know about it to him?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Have you had enough time to talk with
15 your lawyer, or anyone else you care to, about your case?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Are you satisfied with your lawyer and
18 the way he's represented you in this case?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Do you have any complaints about the way
21 he's represented you?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Do you have any complaints about the way
24 you've been treated by the Court or anyone else which is
25 causing you to plead guilty?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Has anyone coached you or suggested that
3 you answer untruthfully any of the questions asked of you by
4 the Court today?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Have you told the truth today?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And do you fully understand all the
9 rights and procedures that you waive and give up by pleading
10 guilty?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And having heard everything I've said, is
13 it your final desire to plead guilty to Counts One and Two of
14 the indictment, pursuant to the terms of your plea agreement?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And now is your last chance to speak up
17 or ask questions before I recommend to the district judge that
18 he accept your plea.

19 Do you have any questions or anything you want to say
20 at this point?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Is the government satisfied with the
23 colloquy?

24 MR. BROWN: Yes, Your Honor.

25 THE COURT: Is the defense satisfied?

1 MR. ROSENBLUM: Yes, Your Honor.

2 THE COURT: Mr. Rosenblum, are you satisfied that
3 your client knows what he's charged with, that you've had
4 sufficient time to counsel with him, and that he is pleading
5 guilty freely and voluntarily, with full knowledge of the
6 consequences of his plea?

7 MR. ROSENBLUM: Yes, Your Honor.

8 THE COURT: Mr. Leslie, I'm going to make certain
9 findings that pertain to you and then ask if you agree with
10 them.

11 I find that you are now alert and intelligent, that
12 you understand the nature of the charges against you and the
13 possible penalties, and you appreciate the consequences of
14 pleading guilty.

15 I also find the facts which the government is
16 prepared to prove and which by your plea of guilty you admit
17 state all the essential elements of the crimes to which you
18 have pleaded guilty.

19 I further find that your decision to plead guilty is
20 freely, voluntarily, knowingly, and intelligently made and that
21 you've had the advice and counsel of a competent lawyer, with
22 whom you say you are satisfied.

23 Do you agree with these findings?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: I will make a written report to the

1 district judge recommending that he accept your guilty plea.

2 Each side has 14 days to object to that
3 recommendation, or that time period can be waived.

4 MR. BROWN: United States will waive.

5 MR. ROSENBLUM: Your Honor, in this case we're not
6 going to waive it.

7 THE COURT: A presentence report will be prepared by
8 the probation office to assist the district judge in sentencing
9 you. You'll be required to furnish information for this
10 report.

11 Your attorney will represent you in the preparation
12 of this report and at sentencing. You and your attorney will
13 be given an opportunity to speak on your behalf at the
14 sentencing hearing.

15 You and your attorney will be permitted to read the
16 presentence report before the sentencing hearing and to make
17 objections to it, if you have objections.

18 Anything further to take up?

19 MR. BROWN: No, Your Honor.

20 MR. ROSENBLUM: No, Your Honor. Thank you.

21 THE COURT: Okay. Court will be in recess.

22 COURT SECURITY OFFICER: All rise.

23 (The proceedings were concluded at 2:41 p.m.)

24 - - -

25

CERTIFICATE OF OFFICIAL COURT REPORTER

UNITED STATES DISTRICT COURT)

MIDDLE DISTRICT OF FLORIDA)

I, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

DATED this 1st day of May, 2018.

s/Shelli Kozachenko
Shelli Kozachenko, RPR, CRR, CRC
Official Court Reporter

Tab 66

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA, Jacksonville, Florida
Plaintiff, Case No. 3:16-cr-154-J-39JBT
-vs- Thursday, March 1, 2018
ANDREW RYAN LESLIE, 2:05 p.m.
Defendant. Courtroom 12C

TRANSCRIPT OF SENTENCING
BEFORE THE HONORABLE BRIAN J. DAVIS
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

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(Proceedings reported by stenography;
transcript produced by computer.)

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P R O C E E D I N G S

Thursday, March 1, 2018

2:05 p.m.

- - -

COURT SECURITY OFFICER: All rise. United States District Court in and for the Middle District of Florida is now in session, the Honorable Brian J. Davis presiding.

Please be seated.

THE COURT: Good afternoon to all.

ALL: Good afternoon, Your Honor.

THE COURT: Court is convened today in connection with Case No. 3:16-cr-154. It's United States of America versus Andrew Ryan Leslie.

And our record should reflect that Mr. Leslie is present with counsel, Mr. Rosenblum, and that the government is represented today by Attorney Brown, who is present with --

MR. BROWN: If I could introduce --

THE COURT: -- Lauren Britsch?

MS. BRITSCH: Yes, Your Honor.

MR. BROWN: Yes, Your Honor.

THE COURT: With -- also an attorney, and James Greenmun with Homeland Security?

AGENT GREENMUN: Yes, Your Honor.

THE COURT: And Nathan Smith, also with Homeland Security.

Welcome to all of you.

1 Mr. Leslie, the Court is charged today with
2 fashioning a sentence that is sufficient but not greater than
3 necessary to satisfy the statutory purposes of sentencing in
4 connection with your previously entered plea of guilty to
5 Counts One and Two of an indictment charging you with
6 production of child pornography, in violation of Title 18,
7 United States Code, Sections 2251(a) and 2251(e).

8 In that connection you should have received a
9 presentence investigation report.

10 Did you receive that report?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Did you have an opportunity to review it
13 with your attorney?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And were all your questions about it
16 answered?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Very good.

19 Mr. Rosenblum, did the defense timely receive the
20 report?

21 MR. ROSENBLUM: Yes, Your Honor.

22 THE COURT: Did the government timely receive the
23 report?

24 MR. BROWN: Yes, Your Honor, we did.

25 THE COURT: There haven't been any objections or

1 exceptions filed in writing.

2 Does the government have any today as we speak?

3 MR. BROWN: No, Your Honor. However, I did speak to
4 the probation officer earlier --

5 THE COURT: Yes.

6 MR. BROWN: -- and there was a small factual change
7 that needed to be made.

8 THE COURT: I think it was brought to my attention as
9 well.

10 On page 9?

11 MR. BROWN: I believe that's correct, Your Honor.
12 Page . . .

13 THE COURT: Page 9, paragraph 44?

14 MR. BROWN: That is correct, Your Honor.

15 THE COURT: Was it brought to Mr. Rosenblum's
16 attention?

17 MR. BROWN: I'm not sure.

18 (Brief pause.)

19 MR. BROWN: Mr. Rosenblum has been consulted and
20 notified, and I would just recommend that the Court consider
21 allowing the change in paragraph 44, page 9, striking the word,
22 on the last line there, "penis" and inserting the word "hand."

23 THE COURT: That was my understanding of the
24 correction to be made, and without objection, it will be made
25 to the presentence investigation report.

1 Mr. Rosenblum, does the defendant have any objections
2 or exceptions it wishes to make today?

3 MR. ROSENBLUM: No, Your Honor.

4 THE COURT: Very good.

5 Mr. Leslie, I'm sure that Mr. Rosenblum has explained
6 to you that one of the obligations of the Court is to consider
7 the sentencing guidelines in fashioning a sentence for the
8 crimes you committed.

9 The guidelines are advisory. They're not mandatory,
10 but the Court is required to consider them, and in that
11 connection, it is required to determine if they are accurately
12 calculated.

13 And that requires an examination of the facts of the
14 case and your criminal history. The guideline uses both the
15 seriousness of offenses and the seriousness of criminal
16 histories to recommend punishment for similarly situated
17 defendants.

18 In other words, if there was a defendant in the state
19 of Oregon charged as you are charged, with a criminal history
20 similar to yours, then the guidelines are designed to help
21 courts treat those defendants similarly in terms of the length
22 and character of sentence that they are -- they're given so
23 that there isn't a significant disparity between how people
24 who've done similar criminal behavior with similar criminal
25 histories are treated.

1 In this instance the guidelines treat the base
2 offense, the production of child pornography, as a serious
3 offense in and of itself. Without more, there are 32 levels of
4 punishment recommended, and that corresponds to a certain
5 length of time.

6 Without more, 32 levels results in a recommendation
7 of 121 to 151 months in prison in the 2016 guidelines.

8 All right. Thank you.

9 And then in addition to that level, the offenses'
10 characteristics are examined a little more closely, and the
11 more harmful they become, generally, the more punishment is
12 associated with the guideline calculation.

13 And in this instance, with respect to Count One, the
14 offense involved a minor who had not attained the age of 12,
15 and specifically, in this instance, a two-year-old. The
16 guidelines recommends that an additional 4 levels be added.

17 And then additionally, because there was sexual
18 contact between the minor in this instance, 2 additional levels
19 were added.

20 Because the production materials that were involved
21 in your crime included sadistic or masochistic conduct,
22 additional levels were also added under the guidelines, 4
23 additional levels.

24 And because the offense involved your supervisory
25 care or custody of a victim, additional -- you were babysitting

1 for some of the victims -- for this one victim in particular, 2
2 additional levels were added. So if you do that math, it will
3 come to 44 points.

4 And essentially the same kind of calculation was done
5 for the second count. Actually, it was slightly different. It
6 included a 4-level increase in the base-level offense because
7 of the age of the child involved, and it also included sexual
8 conduct and, in that regard, an additional 2 points or 2 levels
9 were added. And in this instance, again, because of your
10 supervisory control, an additional 2 points were added.

11 So that also resulted in a 44 -- actually, I may have
12 misstated. Yeah, that resulted in less of a calculation
13 because one of the factors present in the first count was not
14 present in the second, so that there was an adjusted offense
15 level for that count of 40.

16 And because the counts were multiple, they were -- an
17 adjustment is added under the guidelines so that the greater of
18 the two levels is considered in the balance of the guidelines,
19 but there's an increase involved. And there were 2 levels
20 appropriately added to the 44 so that the combined adjusted
21 offense level was 46.

22 There was a pattern of activity involved in your
23 conduct, and that is considered under the guidelines as well.
24 If you think of it, it has to do with the guidelines being
25 sensitive to the seriousness of the offenses generally, and a

1 pattern of offenses is more serious than a single offense or
2 the lack of a pattern.

3 In this instance the behavior did include a pattern,
4 so an additional 5 points was added. That adjusted the level
5 to 51.

6 And because you accepted responsibility and actually
7 avoided the necessity of a trial, you get some credit for that.
8 Three points were deducted so that it turns out that the total
9 offense level that you receive is 43. Forty-six less 3 is 43.

10 Using that data, along with your criminal history,
11 which was none whatsoever -- you have not been in trouble at
12 all except for this charge and one that is pending that doesn't
13 result in any increased points or levels being added under the
14 guideline.

15 But the Court is aware of a pending charge out of the
16 Middle District of Tennessee involving some similar allegations
17 at this point. When you consider the guidelines calculation,
18 the recommendation results in a recommendation of life
19 imprisonment.

20 Because the statutory maximum that could be imposed
21 for these offenses is less than life imprisonment, that is, a
22 total of 60 years, the guidelines require that the Court
23 consider the statutory maximums so that the guidelines in this
24 case do result in a recommendation that you receive between --
25 that you receive 720 months incarceration, that the range of

1 supervised release recommended is five years to life per count.

2 You're not eligible for probation. There is a 50,000
3 to \$250,000 fine determined to be appropriate, and a special
4 assessment of \$200, as well as another assessment of \$5,000 per
5 count.

6 The Court will find that the guidelines are properly
7 calculated, and its recommendations will be considered by the
8 Court in fashioning a sentence.

9 So in addition to that consideration, the Court has
10 received and considered the sentencing memorandum filed by your
11 attorney that talks about your personal history in a little
12 more detail than the -- and from a different perspective than
13 the presentence investigation report, and also includes a
14 number of letters from people that know you personally and have
15 known you all of your life, probably most important from your
16 mother and several other family, friends, and acquaintances.
17 The Court has considered that as well.

18 It is your attorney's opportunity today to make an
19 argument on your behalf, if he wishes to, and for you to
20 additionally make an argument or a statement to the Court as to
21 things you wish the Court to consider in fashioning a sentence,
22 and that might include other witnesses and other documents as
23 well.

24 And the government has an opportunity to do that, as
25 well as offer testimony of victims or statements of victims and

1 other information that would be useful to the Court in
2 fashioning a sentence.

3 So having said that, Mr. Rosenblum, if you wish, you
4 are welcome to make an argument, present any testimony or
5 evidence that you would have the Court consider at this time.

6 MR. ROSENBLUM: Thank you, Your Honor.

7 THE COURT: You're welcome.

8 MR. ROSENBLUM: Your Honor, the way I intend to
9 proceed is to make some statements on behalf of Mr. Leslie,
10 then I'm going to call his mother forward. She would like to
11 address the Court. And then I think Mr. Leslie himself would
12 like to address the Court.

13 THE COURT: Very good.

14 MR. ROSENBLUM: Your Honor, this is a tragic case for
15 all concerned. It's tragic for the victims and their families,
16 who I believe are well represented in the courtroom. It is
17 tragic for Mr. Leslie himself, and it's tragic for Mr. Leslie
18 and his family.

19 Mr. Leslie has a sickness, and that sickness is
20 called pedophilia. That's the bad news. The good news is that
21 he's crying out for help, and he is committed to change.

22 It's unfortunate that it took the event of his arrest
23 to bring it to the surface and bring it to light where he will
24 be forced now to get some help, but the fact of the matter is
25 that Mr. Leslie has wanted to get help for this sickness that

1 he knows that he has for a very long time.

2 Since he's been arrested, he has done everything in
3 his power to try to right this wrong. Now, we all know that it
4 can never be righted, but it does speak well of Mr. Leslie that
5 he is trying to do what he can.

6 And you start off with the fact that he was extremely
7 candid with me and with my staff when we first met him and were
8 trying to figure out what the case was about.

9 I know the Court has probably prosecuted and, as a
10 judge, has adjudicated many cases involving sexual offenses of
11 this nature. And it was highly unusual that Mr. Leslie was as
12 forthcoming with us when we first started out.

13 Then Mr. Brown reached out to me and said that this
14 may be one of those rare cases where the government, in a child
15 pornography/sexual exploitation/child production type of case,
16 might be interested in actually meeting with Mr. Leslie in
17 order to try to gain intelligence about what he did, how he did
18 it, how others were doing it, and to just get an overall
19 picture that would be of help to law enforcement in the fight
20 against child pornography.

21 In that regard, Mr. Leslie provided a proffer to
22 Mr. Brown, to Ms. Britsch, his counterpart from the Department
23 of Justice who came into town specially for the proffer, and to
24 these agents that are sitting in the courtroom, Agent Greenmun
25 and Agent Smith. And as I recall, that proffer lasted the

1 better part of a day.

2 Mr. Leslie was extremely comprehensive. He was
3 extremely candid, and I think that we were all struck with the
4 unusual candor that he displayed in terms of admitting what he
5 had done. And throughout it all, it was clear that he wanted
6 to get help for his problem.

7 THE COURT: Yeah. Let me stop you for a moment
8 because I -- you brought to mind something that I didn't
9 mention that I did consider which was Mr. Leslie's letter to
10 the Court, among the other letters that the Court received.

11 And what triggered my memory about it was what you've
12 described the proffer involved, was his candor and openness in
13 discussing his crime.

14 MR. ROSENBLUM: Yeah.

15 THE COURT: So I want the record to reflect that the
16 Court's taken particular note of that as well.

17 MR. ROSENBLUM: Yes. I'm glad that you brought that
18 up, Your Honor, because that was another indication of
19 Mr. Leslie's candor, the letter that he wrote to the Court.

20 I know the Court has read a lot of letters from a lot
21 of offenders who are about to be sentenced, and I hope the
22 Court will agree that Mr. Leslie's letter was especially
23 truthful in terms of what he had done, how he feels about
24 himself, and what his intentions are for the future.

25 There was also the psychological evaluation with

1 Dr. Cohen, and in his meeting with Dr. Cohen, he didn't pull
2 any punches at all. He was extremely truthful with Dr. Cohen.
3 And it helped, I think, in terms of allowing Dr. Cohen to
4 formulate a report that will hopefully be helpful to the Court
5 in terms of fashioning a sentence.

6 I mentioned the proffer that Mr. Leslie provided, and
7 the fact of the matter is that the cooperation, as Mr. Brown, I
8 expect, will tell you, or Ms. Britsch, whichever one, will tell
9 you, did not rise to the level, as far as the government is
10 concerned, of substantial assistance that would lend itself to
11 a traditional 5K1.1 motion.

12 But in terms of the 3553 factors, I think that the
13 proffer and the information Mr. Leslie gave was extremely
14 valuable to law enforcement.

15 And it did not stop with just the one-day proffer
16 that we all attended. Mr. Leslie, on a number of occasions,
17 either met with or, through phone calls or other
18 communication -- sometimes I was the middleman -- would provide
19 information to the government agents as they continued
20 investigating the crime.

21 I mentioned Dr. Cohen's report, and I just wanted to
22 quote very briefly from the report. On page 4 Dr. Cohen said,
23 "He was not overly guarded and did not appear to dodge any
24 questions or topics. In fact, he was extremely candid and
25 forthcoming about his previous behaviors and sexual acts.

1 Mr. Leslie stated, 'I am actually really happy to tell you all
2 of this and get it off my chest. I want to know why I did what
3 I did.'"

4 And I would submit to the Court that while we all
5 understand that there's going to be a significant punishment
6 imposed here, Mr. Leslie's attitude -- and I believe that it's
7 truthful. I don't think that he's just making this up as he
8 goes along in order to please the Court and get a lesser
9 sentence. It bodes well for the future because it shows that
10 Mr. Leslie has insight into the fact that he does have a
11 sickness, and he genuinely wants to get help for it.

12 The Court mentioned the letters that you received
13 from family and friends, and those letters show a totally
14 different side of Mr. Leslie. There really is goodness in him,
15 and there really is a lot to be admired about Mr. Leslie.

16 And he has a good heart, and he really has tried to
17 help people. And he is going to try to help himself beat this
18 demon that lives inside of him.

19 One of the things that we provided to the Court was
20 the article from *Psychology Today*, and I think that report
21 gives terrific insight into --

22 THE COURT: And let me say, because I did not mention
23 the attachments to your memo that included both Dr. Cohen's and
24 the letters -- I did mention the letters.

25 I did read the article, and I did read Dr. Cohen's

1 report, with much interest, by the way, so thank you for
2 sharing both of those with the Court.

3 MR. ROSENBLUM: And I think that the article from
4 *Psychology Today* really is helpful to all of us that deal with
5 these cases, at whatever level we deal with them, to understand
6 what someone who has this sickness goes through in terms of the
7 frustrations about getting help.

8 Just to quote briefly from the article, and it is on
9 page -- it's actually page 86 of the article, page 3, I think,
10 of the attachment. It says, "The dense mass of stigma
11 surrounding sexual abuse not only deflects compassion for
12 potential abusers, but it erects particular barriers that
13 prevent them from getting help. Dr. Levenson surveyed
14 convicted offenders about these barriers, and the first thing
15 they say is that they really had no idea where to go.

16 "They see all these public health announcements: 'If
17 you have a drug problem, or a gambling problem, or you think
18 you have HIV, call this number.' But you never see a bus go by
19 with an ad that says: 'If you're concerned about your
20 attractions to children, call this number.' Another reason is
21 the very shame and fear of judgment -- 'If I open up and tell
22 somebody, what are they going to think of me?'"

23 So there are people that have this sickness, and,
24 again, not to beat a dead horse here, but I think that
25 Mr. Leslie is prepared to dedicate the rest of his life not

1 only to try to better himself and make sure that he never
2 reoffends but also to help other people who suffer from
3 pedophilia.

4 There are resources available. When he goes to
5 prison, Mr. Leslie will have the opportunity to take advantage
6 of sex offender treatment, which we would recommend be as
7 intensive as possible, and that's what Mr. Leslie wants, and
8 whatever counseling is available to him.

9 And on the day that he gets out of prison, he would
10 like to continue with those programs. He wants to do whatever
11 he can to right this wrong.

12 It occurs to me that if ever there comes a time --
13 and Ms. Britsch from the Department of Justice may have a
14 better handle on this, or the agents for Homeland Security, or
15 perhaps Mr. Brown, but if ever there came a time where there
16 was a study that was made of people who are admitted --
17 admittedly suffering from pedophilia and they are looking for
18 volunteers to participate in that study in order to try to
19 eradicate this problem and this sickness, Mr. Leslie would be
20 the first volunteer.

21 The Court noted the Tennessee case, and it's no
22 secret to the Court, I'm sure, that when we get done here,
23 Mr. Leslie will face some very serious charges in Tennessee.

24 And the fact of the matter is that I think that the
25 charges in Tennessee are related to the charges in this case.

1 My understanding is that this is the discrete production
2 charges, whereas the case in Tennessee is a more wide-ranging
3 enterprise charge. But Mr. Leslie will not be done when he
4 gets done with the Middle District of Florida. He'll still
5 have to face another serious charge.

6 Your Honor, I know that what I have said, what Sharon
7 Leslie, his mom, is going to say, what Mr. Leslie says cannot
8 change what has happened. And let me say this. I know the
9 Court is about to hear a dramatic and heartbreaking rendition
10 from the prosecution.

11 I expect the prosecution may call forward families of
12 victims of Mr. Leslie, and we realize that that will certainly
13 affect the judgment of the Court.

14 But on -- on behalf of Mr. Leslie and his family, the
15 only thing that we can ask the Court to do is to impose a
16 sentence that will allow Mr. Leslie to see the light at the end
17 of the tunnel.

18 THE COURT: All right. Thank you very much,
19 Mr. Rosenblum.

20 MR. ROSENBLUM: Your Honor, if I could call Sharon
21 Leslie forward. I think she wanted to address the Court.

22 THE COURT: Sharon Leslie.

23 MR. ROSENBLUM: Ms. Leslie, would you tell Judge
24 Davis who you are, how you're related to Andrew, and what you
25 would like to say to the judge about your son.

1 Tell the judge a little bit about yourself in terms
2 of what you do for a living as well.

3 MS. LESLIE: I work for the post office. Andrew is
4 my youngest son. I would like to read a short statement on his
5 behalf.

6 I want you to know that it haunts me about everything
7 that he has done and everything that these children have gone
8 through. And I hope and pray that you will see in your heart
9 to get him the treatment that he most desperately needs,
10 that -- there are so many things that could have happened that
11 I know now that I've missed something in his life that I did
12 not catch and did not help him with.

13 And I know that only with help, treatment, love, and
14 forgiveness will he ever be able to return. I know that he has
15 to face his punishment, and I want the Court to know that I
16 will be here to help him in any way that he needs or the Court
17 needs for me to be here to help him face his punishment and
18 help the treatment that he needs.

19 I know there's no way I can ever make it up to
20 families or the children or even my family for the things he
21 has done, and I know it's going to be hard for him to make it
22 up to any of them. But I pray that you will give him the
23 chance to do that.

24 Thank you.

25 THE COURT: Thank you, ma'am.

1 MR. ROSENBLUM: Thank you.

2 Your Honor, I think Mr. Leslie wanted to address the
3 Court.

4 Does the Court want him to talk now or after the
5 prosecution gets done with its presentation?

6 THE COURT: He can speak now if he likes.

7 THE DEFENDANT: First of all, I would like to
8 apologize to my victims and their families. I never meant to
9 harm them, and I hate myself for the things that I've done.

10 I'm sorry for taking advantage of their trust and
11 their children. I understand that they may never forgive me,
12 and honestly, I don't expect them to. I wouldn't if I was in
13 their shoes.

14 For the future it is my hope to get a degree in
15 psychology and to start an organization for those attracted to
16 children. My organization would help them deal with their
17 problems and their urges safely and with no harm to others.

18 While being in jail I learned that there are
19 treatment programs for this. I wish I would have known that
20 before. But I will make it more -- I will make this more known
21 to others and to offer it before they offend.

22 As for my sentencing, I deserve 60 years and more,
23 but please, Your Honor, allow me to spend time with my mother
24 before she passes. As well, allow me the time to start a new
25 career if I'm allowed to use computers or the time to relearn

1 if I'm not.

2 I understand -- or I will be happy to accept any
3 extra conditions, including castration, even though I still
4 want to have children myself.

5 I understand this is quite a bit to ask considering
6 the offenses, but please, if not for me, for my mom. This has
7 been harder on her than me.

8 THE COURT: All right. Thank you, Mr. Leslie.

9 MR. ROSENBLUM: That's all we have, Your Honor.

10 THE COURT: Thank you, Mr. Rosenblum.

11 Mr. Brown?

12 MR. BROWN: May it please the Court.

13 On behalf of my co-counsel, Lauren Britsch, and the
14 HSI agents who are not only here at counsel table as case
15 agents but also here in the courtroom, I echo Mr. Rosenblum's
16 statement that this is a very, very serious case, and there are
17 no winners in the courtroom. In fact, in a way we're all
18 losers.

19 And the reason why we're here is because of choices
20 that this defendant made. And I understand, to some extent --
21 although I'm not an expert, I understand pedophilia. I
22 understand the points made in the article. I understand the
23 compulsions that some offenders like Mr. Leslie feel.

24 But while one could legitimately talk about how a
25 defendant, quote, suffers from pedophilia, what I would like to

1 point out is the other side of the coin and point out how
2 victims suffer from pedophilia, that is, the victims that are
3 assaulted and molested as a result of individuals who are
4 pedophiles, as this defendant is.

5 A little bit of background, Your Honor. This case is
6 well advised by the presentence investigative report, but this
7 case -- the investigation has been going on for a number of
8 months and a few years into a website on the dark web, which I
9 won't name here in court.

10 I know this Court is familiar, at least in general,
11 with how the dark web works, but as the Court knows, the dark
12 web is a place where individuals can go for anonymity.

13 And that anonymity can be good if you are a political
14 dissident in Iran or North Korea, but that anonymity can be
15 used for bad if you are a drug dealer or a person who does
16 identity theft or a person who steals credit cards or a person
17 who molests children and trades in child pornography.

18 So this -- this website was established on the Tor
19 network, which is The Onion Router Network, at a particular --
20 and it was difficult to get to unless you knew how to get to it
21 by probably word of mouth from another pedophile.

22 Members of this would create posts that other members
23 could comment on, and the typical nature of the posts contained
24 a preview of an image, a link to a password, and perhaps a
25 password to open certain password-protected archives.

1 Now, it's important to note that when a person, a
2 guest, came on to this, that their status was elevated to
3 registered, quote, acting -- or awaiting activation, not
4 member.

5 To become a member, an administrator of the website
6 or the server would have to approve that member, and the only
7 way to apply for full membership was by creating a post
8 containing child pornography.

9 And so this had to be not just child pornography that
10 had been around out on the Internet for years, which is
11 horrible in and of itself. But usually what was required was
12 production of new material, that is, things that had not been
13 seen before.

14 And the way to produce that type of material is to
15 molest the children and then produce it yourself. And I would
16 submit to you that that's what Mr. Leslie, and others, did to
17 gain access to that server and that website.

18 And guests are able to navigate to various postings.
19 They're able to get to chat functions. In fact, there's a
20 real-time textual chat function feature that any user,
21 including nonregistered guests, could get on and communicate
22 and share links containing child pornography.

23 And so there was essentially the ability to have a
24 chat log wherein Mr. Leslie was able to speak to other members
25 about child pornography and share and exchange child

1 pornography as well.

2 In the meantime, HSI had another investigation into a
3 particular website that Mr. Leslie was running himself. And at
4 the time that they got on to that website, they were able to
5 get some electronic surveillance authority from the Court here
6 in this building to do pen registers, but at that very time,
7 that website was taken down by Mr. Leslie.

8 And he explained the reasons why he did that in the
9 proffer. But in any event, it was taken down. And so there
10 was not a lot of information that was gathered during about a
11 five- to six-month period.

12 The break came when three individuals were arrested.
13 And the presentence investigative report does a good job of
14 pointing this out on page 5 and 6.

15 In October of 2016, HSI agents were able to, with law
16 enforcement partners, arrest three individuals who were
17 involved in child pornography offenses, including two that came
18 into the Eastern District of Virginia to meet and molest a
19 child.

20 They were arrested, and one of those -- at least one
21 of those individuals was interviewed and talked about a
22 face-to-face meeting with an individual that he referred to as
23 having met on the website that I mentioned before, on Tor,
24 called, quote, TheAwesomeOne. That is Andrew Leslie. That is
25 the username that Mr. Leslie named himself.

1 And during that interview, this individual was able
2 to tell law enforcement about meeting with Mr. Leslie in
3 Tennessee and about how Mr. Leslie was able to meet with that
4 individual and then they were able to share child pornography
5 that Mr. Leslie had produced. And they got together, and they
6 viewed that in a hotel room and gratified themselves.

7 And one of those video files shows Mr. Leslie engaged
8 in anal intercourse with an infant. And so Mr. Leslie had told
9 that individual about access that he had to children through
10 babysitting down in Florida.

11 Using that information and a forensic review of
12 certain material, HSI was able to get enough information to not
13 only find Mr. Leslie, through various sources, but also to
14 establish probable cause to get a search warrant for his
15 residence, and they executed that warrant on October 18 of
16 2016.

17 And what happened on that day -- and some of the
18 agents -- not only the agents who are at counsel table but
19 there are other agents in the courtroom who were there. What
20 they found was Mr. Leslie essentially in bed with a
21 two-year-old child.

22 And Mr. Leslie was cooperative. That female child
23 was referred to by Mr. Leslie as a toddler. And I should say
24 they didn't actually pull him out of bed. He referred to
25 himself as "just been in bed with the toddler."

1 And so they executed the search warrant. Mr. Leslie
2 chose not to speak with them at that time. And they executed
3 the search warrant and got a number of electronic and computer
4 digital devices from his residence, which the Court can see
5 listed out but have now been administratively forfeited. That
6 was done by consent. And so jumping ahead to the end, there's
7 no need for the Court to do an order of forfeiture in this
8 case.

9 Mr. Leslie, I would submit, when he produced child
10 pornography, he would then upload it to these various websites.
11 But in this particular case, Mr. Leslie had not had the time to
12 do that because there was a camera which was on his bedside
13 table. And that camera, when it was examined by law
14 enforcement, it was found to contain child pornography,
15 including the two victims that are set forth in the charged
16 offenses in this case, the counts of conviction.

17 One was a two-and-a-half-year-old child, and the
18 other was approximately a six-month-old infant. And there were
19 other images and videos that were recovered from his
20 collection, if you will.

21 Specifically, the presentence investigative report
22 correctly recounts that there were approximately 33,000 images
23 of both -- images and videos of child pornography.

24 And as the Court knows that some of the family
25 members are -- of the victims are in court at this time, and

1 I'm going to be a little specific in one of my descriptions to
2 the Court. And I'd like to offer those family members the
3 opportunity to leave the courtroom if they don't wish to hear
4 this description.

5 And I'll offer them that opportunity now.

6 They want to stay, Your Honor.

7 THE COURT: That's fine.

8 MR. BROWN: One of the videos, Your Honor, that we
9 reviewed depicted Mr. Leslie straddling an infant child and
10 forcing his penis into that child's mouth.

11 Another showed, as I've mentioned before, the
12 defendant engaged in anal intercourse with a very, very young
13 child.

14 And essentially we were able to identify, through
15 capturing -- through that process, we were able to identify
16 approximately four -- well, not approximately. Four children
17 were able to be identified, two of whom their family members
18 are present in court, and I think the Court may hear from some
19 of them later.

20 And so one of the things that's important is for --
21 in this type of case is that the Court know the nature of the
22 offense. That is, that's one of the 3553(a) factors. And
23 while not being gratuitous, I wanted the Court to know that
24 that is the type of material that we're talking about.

25 You know, oftentimes people think of child

1 pornography as, you know, 15- and 16-year-old girls topless on
2 some French beach somewhere. That's not what this defendant
3 was doing. That's not what this defendant liked.

4 And, of course, the Court is well aided by his
5 statement and the psychological report and the extraordinary
6 candor that the defendant has given. But candor and
7 truthfulness only go so far. There has to be punishment, and
8 there has to be consequences, and there has to be -- equally as
9 important, there has to be justice for victims.

10 And so that's part of what the United States is
11 seeking here today, justice for the victims. And that includes
12 just punishment and the other factors that are set forth in
13 3553(a).

14 As I mentioned, the agents were able to recover chat
15 logs from the defendant's computer, and one of the chat logs I
16 brought to court. And I'm going to call this, with the Court's
17 permission, and I'll offer it as Government's Exhibit No. 1.

18 And may I approach, Your Honor?

19 THE COURT: You may.

20 Thank you.

21 MR. BROWN: Your Honor, this was a chat log that was
22 obtained from some of the computer media that was obtained from
23 the forensic examiner, who is here at counsel table, James
24 Greenmun.

25 And it is a document that is approximately 47 pages

1 in length. And I'm not going to go through all of it, but I
2 wanted to highlight a few of the lines there.

3 What this is, this is a discussion between
4 TheAwesomeOne and an individual known as crazymonk, who was one
5 of the individuals who was arrested in Virginia who has now
6 pled guilty and who -- I'll talk about his sentence in just a
7 moment.

8 But what this shows is that on the dark web,
9 Mr. Leslie and this other purveyor of child pornography were
10 having discussions and trading child pornography in real time.

11 So this chat log shows -- and, again, the defendant
12 is TheAwesomeOne, and I would point out that the defendant not
13 only referred to himself as TheAwesomeOne, but he referred to
14 some of the victims with the "awesome" moniker as well,
15 including TheAwesomeTot and TheAwesomeBaby.

16 On page 1 of -- well, let me first move to introduce
17 Government's Exhibit No. 1.

18 MR. ROSENBLUM: No objection.

19 THE COURT: It will be marked and admitted.

20 (Government's Exhibit 1 was received in evidence.)

21 MR. BROWN: And may I also -- my colleague reminds me
22 to ask the Court to place Government's Exhibit No. 1 under
23 seal, and I would so move that, Your Honor.

24 THE COURT: Government's No. 1 under seal without
25 objection?

1 MR. ROSENBLUM: Yes.

2 THE COURT: It will be marked and admitted.

3 MR. BROWN: Your Honor, on page 1, line 24 there,
4 crazymonk says, "Downloading CP is always a great option, and
5 don't share these."

6 And Mr. Leslie responds, "Which one is this?"

7 And then crazymonk describes exactly what is being
8 depicted there, and I'll let the Court read that.

9 THE COURT: Let me address your request that the
10 Court look at a video that's under seal.

11 Is that what you just did?

12 MR. BROWN: No, Your Honor. No, Your Honor. I'm
13 simply -- I'm asking if the Court will seal this chat log.
14 We're not offering any videos.

15 THE COURT: Oh, so your request was that I seal this
16 chat log.

17 MR. BROWN: Yes, Your Honor.

18 THE COURT: Okay. I misunderstood you.

19 MR. BROWN: Yes.

20 THE COURT: I thought you asked me to watch
21 something.

22 MR. BROWN: No, Your Honor.

23 THE COURT: Okay.

24 MR. BROWN: No, Your Honor. What I'm asking you to
25 do is just follow along as I point out a few lines of text.

1 THE COURT: I'll be glad to.

2 MR. BROWN: Thank you.

3 I'd be happy to -- if the Court wanted to know more
4 about the material, I can describe it to you.

5 THE COURT: No. Had you asked me to watch something
6 that's in evidence, I was going to give you the opportunity to
7 provide a visual -- I mean, a verbal description of it in lieu
8 of me watching it because I'm not going to.

9 MR. BROWN: I understand, Your Honor.

10 THE COURT: Okay.

11 MR. BROWN: And I anticipated that, and that's why I
12 described them in detail and offered the family the opportunity
13 to leave.

14 THE COURT: All right. Thank you.

15 MR. BROWN: On line 43 of page 1, Mr. Leslie says,
16 about one of the persons -- or one of the children depicted in
17 the videos, quote, "She's less than a week old, and her mom
18 told me I can steal her whenever I want."

19 This is a person that he was referring to hopefully
20 having some future activity with.

21 Page 2 of Government's Exhibit No. 1, line 51. I'll
22 let the Court read that. That is spoken by TheAwesomeOne,
23 i.e., Mr. Leslie, and it gives his intentions of what he was
24 going to do into the future -- in the future.

25 Moving over to page 4, line 167, Mr. Leslie stated,

1 quote, "I need to figure out how to use Kik over Tor," and then
2 he was -- which is -- Kik is a communication -- online
3 communication service. Tor is the -- essentially the dark web.

4 And then he says, quote, "There are a few groups
5 there for sharing porn."

6 Next, page 5. And crazymonk says, quote -- there on
7 line 211, quote, "Was oddly nice to see each other getting off
8 to little babies and toddlers."

9 And then Mr. Leslie responds, "Nice, ha ha." And
10 then he goes on, at line 217, quote, "Once I remove the Exif, I
11 have pictures for you."

12 Next line, "But I have a video I need you to edit,"
13 closed quote.

14 What he refers to there is removing the Exif data or
15 the embedded data from the images so that it can't be traced
16 back to him in -- and his devices.

17 Later on that page, 261 and 263, he says, quote, "The
18 pics really don't need editing. I need the video edited.
19 Otherwise it would point back to Sweet Baby October."

20 Sweet Baby October is a child pornography series that
21 he created with one of the victims in this case.

22 Page 6, line 276, Mr. Leslie states there -- and I'll
23 let the Court read that.

24 And then later on -- at line 334 on page 6, crazymonk
25 says, quote, "Is that the only one you're babysitting alone?"

1 Mr. Leslie says, "Yes."

2 And then crazymonk, on 345, gives his opinion about
3 how fortunate Mr. Leslie, that is, TheAwesomeOne, is to be
4 alone with that child.

5 And the last one I'll point out is on page 7, line
6 431. Mr. Leslie says, quote, "Everyone doesn't believe when
7 people call me a pedo."

8 And then crazymonk responds, "And here you are" --
9 and you can see that line there.

10 And Mr. Leslie responds, "New baby at one month."

11 And so the reason why we introduced the chat logs is,
12 I mean, there's no question that it appears that the defendant
13 has shown remorse after being arrested. There's no question
14 that he has been candid with not only law enforcement and
15 apparently also his psychologist and his lawyer and maybe even
16 his family, and that's all good.

17 But that's only part of it, because what's also
18 important to see is, what did Mr. Leslie say when he thought
19 nobody was looking? What did Mr. Leslie say when he was online
20 with other pedophiles who were looking to victimize children
21 and to use that as essentially currency to gain access to these
22 websites and membership in these websites?

23 It is true that Mr. Leslie made efforts at
24 cooperation. There's no question about it. It is true that
25 the agents and the lawyers spent roughly five or six hours with

1 him, the better part of a day. It is true he appeared to be
2 candid and truthful. No question about that.

3 It is true that he subsequently contacted law
4 enforcement with efforts to provide additional information or
5 additional passwords.

6 What the defendant did was provide passwords to his
7 encrypted media, even though he knew that whatever was found
8 could be held against him. But he did that. That is laudable,
9 no question about it. That is cooperative. There's no
10 question about it.

11 But it did not result -- while it was valuable, and
12 Mr. Rosenblum is absolutely correct, it did not result in the
13 arrest of other individuals. It did not further the
14 prosecution. Mr. Leslie was one of the last involved, and so
15 he was in the unenviable position, which sometimes the Court
16 may have seen in drug cases, of having to be one of the last
17 ones in.

18 And so despite his efforts, which are laudable, it
19 didn't result in 5K consideration under our policy. But, as I
20 told Mr. Rosenblum and as Mr. Rosenblum told the Court, that
21 is -- certainly should be considered by this Court.

22 But only when weighed against the magnitude of the
23 harm to the victims and their family, which substantially, in
24 our position, outweighs the efforts at cooperation, even though
25 they were full -- they were fully attempted by the defendant.

1 The psych report that was contained in the --
2 attached to the sentencing memorandum, the Court knows that
3 oftentimes the United States will object to the admission of
4 reports.

5 We didn't object to the admission of the report this
6 time for several reasons, not the least of which it contained
7 inculpatory statements which -- which, like under the evidence
8 code, when someone says something that inculcates them, it's
9 presumed to be truthful, which is why hearsay on that ground is
10 admissible. So there doesn't appear to be a lot exculpatory in
11 it, and so therefore, that's one of the reasons why we didn't
12 object.

13 And so one assumes that when a defendant admits to
14 committing crimes, that he's telling the truth. And so I would
15 point out, on page 3 of that report, which is attached to the
16 memorandum, it talks in detail -- it indicates, quote, "He
17 freely admits to inappropriate sexual contact with underage
18 children.

19 "He reported that he had made ten pornography videos
20 and took at least 150 pictures. He reported having at least
21 one gig worth of child porn stored on his personal equipment.
22 He stated that he felt bad about engaging in sex acts with
23 children less than five years old but felt less bad" -- that's
24 in quotes -- "about children age ten and up since he believed
25 it was more consensual.

1 "Initially he became interested in children age six
2 to ten, but then, as he desensitized to the content, his age
3 interest widened to children age zero to 12."

4 Zero to 12. And, I might add, it goes on to talk
5 about the following victims that he reported, and there were
6 ten victims that he self-reported there, including the four
7 that we knew about prior to his arrest.

8 One of those victims -- it is the Sweet Baby October
9 series -- has now become a popular series on the Internet with
10 other pedophiles.

11 Mr. Leslie is smart. He has great expertise in
12 computers. He was able to do fantastic things with encryption,
13 do fantastic things with servers. He knew his way around, and
14 even he -- in his mitigation speech, he indicated hopefully
15 being able to get back involved in computers someday.

16 On page 4 of that report, reading from the part that
17 Mr. Rosenblum -- picking up from where Mr. Rosenblum left off,
18 it says, quote, "Mr. Leslie reported that he was most
19 interested in knowing how he was caught." Most interested in
20 knowing how he was caught.

21 "He believes that his making of his website and then
22 attempts to make a 'porn stars listing index' to help others
23 find the child porn star they wanted may have been the final
24 straw. He stated, 'The thing I am most sad about is hurting
25 the kids. I never meant to hurt them, and I'm also sad about

1 being stuck in jail forever.'

2 "He only verbalized his understanding that harm to
3 the children was from a physical standpoint and not from an
4 emotional or psychological standpoint."

5 That statement strikes me as a bit tone-deaf because
6 it ignores the psychological and emotional trauma that the
7 victims' families must feel for having been violated -- their
8 trust been violated and their children, the most valuable
9 members of their families, being violated as well.

10 The other thing that struck the United States, both
11 counsel, about this report was that nowhere -- and if I did
12 miss it, I'm sure Mr. Rosenblum will point it out to me, but
13 nowhere does it talk about recidivism.

14 Usually, in psychological reports in child
15 pornography cases -- and this Court has seen them -- the expert
16 will talk about risk of recidivism. And usually -- because
17 it's something that is being presented as a mitigation, usually
18 it points out low risk of recidivism. This report is silent on
19 recidivism.

20 On page 7 it points out that, quote, the bottom
21 paragraph, "Mr. Leslie, based on all evidence recovered from
22 his possession, his verbalized strong sexual interest in only
23 prepubescent children" -- I'll repeat that -- "his verbalized
24 strong sexual interest in only prepubescent children, his
25 engagement in sexual relations with minors, his creation and

1 distributed child pornography, and repeated patterns of
2 behavior, a paraphilic diagnosis of pedophilia is rendered."

3 So there's no question this is not a case where
4 anybody doubts that we're dealing with a pedophile. And so I
5 would submit to you that because there's no reference to low
6 risk of recidivism, that I would imagine a person with this
7 type of deep-seated -- Mr. Rosenblum calls it sickness. I call
8 it a condition. I also call it criminal conduct -- that I
9 would submit because it's so deep-seated, this defendant can
10 never be trusted around children again, ever, and should never
11 be trusted around children again.

12 And the United States submits and hopes that the
13 Court's sentence will recognize and affirm that principle.

14 I also add, Your Honor, that there were a number of
15 restitution claims that were made in the case, not by anyone
16 who's in the courtroom today, but there were a number of
17 restitution claims that were made based upon items that were in
18 Mr. Leslie's collection, that is, the 33,000 images and videos.
19 And they're listed in the presentence investigative report.

20 I have personally spoken with the lawyers that
21 represent the victims in each of those series, and I told
22 Mr. Rosenblum this as well, that they each, in light of the
23 fact that this is a hands-on offender who has produced child
24 pornography, both lawyers who represent those six or seven
25 different victims, series of victims, have withdrawn their

1 restitution claims, and that part of the case needs no further
2 action by the Court.

3 Your Honor, I wanted to recognize anyone in the
4 victim -- the child victims' families who would like to be
5 heard at this time. I know there are families from two
6 different victims who are here, and with the Court's
7 permission, I'll invite them up, if they wish to come.

8 THE COURT: You may.

9 MR. BROWN: May I have just a moment to confer?

10 THE COURT: You may.

11 Good afternoon, ma'am.

12 MR. BROWN: Your Honor, with the Court's permission,
13 may I stand next to her?

14 THE COURT: You may.

15 Will you please introduce yourself to the Court,
16 please.

17 MS. SAYLES: My name is Tracey Lindy Sayles. I'm his
18 aunt.

19 THE COURT: Welcome.

20 MS. SAYLES: It's hard for me to stand here. Of
21 course, I'm sure everybody realizes that. I've know him since
22 he was born. He was always a sweet child, a little different,
23 but everybody is a little different. Everybody has their own
24 peculiars and personality traits.

25 He was especially close with my youngest daughter.

1 They were closer in age. Our parents -- my parents would take
2 the two -- she would take two grandchildren at a time during
3 the summer months, you know, and they were the two that wanted
4 to go together. They were close.

5 He was a sweet child. He could -- he was an
6 intelligent child. But as he got older, some peculiarities, you
7 know, became more pronounced, but nothing that you'd -- you
8 know, "That's just Andrew. That's just the way he is," you
9 know. No more different than you like chocolate ice cream and
10 he likes vanilla, you know. Just their personalities. If the
11 whole world was the same, what a boring place it would be.

12 But as you -- but now come to light with all this, I
13 would say he's a chameleon. His personality fit whatever
14 situation or people he was with.

15 It's hard for me and for my family to believe what he
16 has done. However, there's no disputing it. The evidence is
17 there.

18 My concern is for the victims. It's no longer --
19 he's no longer my concern. I have no concern for him
20 whatsoever. I'm sorry for his mother and all that she's going
21 through, and I love her. She's my sister, but I'm not
22 concerned for him.

23 And if he wants to further his education on the
24 government's dime, I consider that totally reprehensible. We
25 have suffered enough. These children have suffered and will

1 continue to suffer.

2 And we have no idea at what time that these
3 children -- that they -- you know, that this will hit them
4 psychologically. We have no idea the damage that he has done.
5 And for him to benefit in any way is unconscionable.

6 Thank you.

7 THE COURT: Thank you, ma'am.

8 Good afternoon.

9 MR. BAKER: Good afternoon.

10 THE COURT: Introduce yourself to the Court, please.

11 MR. BAKER: My name's Darren Baker.

12 THE COURT: Yes, sir.

13 MR. BAKER: I met Andrew -- it was May of 2016. He
14 went to school with my wife, and they'd known each other for a
15 long time. And it took me a little while to trust him, to feel
16 him out. And right about the time I felt I could trust him, I
17 found out about this.

18 I've fought feelings of sadness, anger, hate toward
19 this man since, and I ask Your Honor that leniency not be
20 applied here.

21 I pray one day that I can forgive him, for my sake.

22 That's all.

23 THE COURT: Thank you, sir.

24 MR. BROWN: As I indicated, Your Honor, both of those
25 were family members of the four victims, one of whom is

1 pictured -- or that are parts of the counts of conviction.

2 I told you that I would provide the sentence for
3 crazymonk, also known as Patrick Falte. He was --

4 THE COURT: Mr. Brown. Mr. Brown, keep your voice up
5 just a little bit.

6 MR. BROWN: I'm sorry, Your Honor. May I have just a
7 moment?

8 THE COURT: You may.

9 MR. BROWN: Mr. Falte, who was one of the cooperators
10 that led us to Mr. Leslie, received a life sentence. The
11 United States had recommended, based upon cooperation, a
12 50-year sentence.

13 The -- in closing, it is difficult to imagine or to
14 fathom the horror that this defendant wrought on his victims
15 and their families. It's just hard to imagine.

16 The United States asks this Court to impose a very
17 lengthy sentence to provide not only for just punishment but
18 also to protection -- for protection of children.

19 It's our position that the only way of stopping him
20 is to keep him either behind bars or to keep him on strict
21 supervision.

22 The United States is mindful of the attempts at
23 cooperation, and while we declined to make any formal motion
24 for downward departure, it is our position that the Court can
25 consider that, for whatever it's worth. But under no

1 circumstance would we ever urge or expect the Court to sentence
2 the defendant in this case to less than 50 years.

3 With regard to supervision, I will -- the Court
4 already knows, probably, what I'm going to say but it should be
5 life, whatever period of life remains for him. He should never
6 be allowed to be around children again.

7 May I confer just a moment, Your Honor?

8 Thank you, Your Honor.

9 THE COURT: Thank you.

10 Mr. Brown, is there any legal reason why sentence
11 should not now be pronounced?

12 MR. BROWN: There's no legal bar to sentencing, Your
13 Honor.

14 THE COURT: Mr. Rosenblum?

15 MR. ROSENBLUM: No, Your Honor.

16 THE COURT: I don't recall having a case in which the
17 horror associated with the crime committed and the harm done is
18 as palpable as it is in this case and is acknowledged by
19 everybody, including the defendant.

20 And that really does speak to the seriousness of the
21 offense -- offenses that were committed. They are
22 reprehensible, unimaginable, unbearable. Descriptions that can
23 be used to describe the horror fail to capture it.

24 And I don't think there's anyone in this courtroom or
25 in the community that would disagree, at least not anyone who

1 has not suffered from -- perhaps those that suffer from a
2 psychiatric illness that this has to be a manifestation of or
3 the condition, as you describe it, or perhaps the criminal
4 conduct, as you describe it, Mr. Brown. Only those who embrace
5 that thinking might be unaffected by the horror.

6 So it -- the need to prevent it is clear to the
7 Court, and I -- and the necessity of the prevention being
8 complete is clear.

9 That's not the only thing that the Court has to
10 consider. I'm required to consider whether there are any --
11 whether there's anything that appropriately should suggest a
12 tempering, if you will, of the completeness of the punishment
13 as it relates to the seriousness of the offense.

14 And I'll tell you, one thing that's been offered,
15 which is Mr. Leslie's willingness to acknowledge his
16 proclivities and to suggest that he could not do anything about
17 them -- despite the psychologist's argument, Mr. Rosenblum, I
18 don't believe it.

19 Anyone who is sophisticated enough to hide this
20 conduct in the ways that your client hid this conduct is smart
21 enough, resourceful enough to find help if he truly wanted it.
22 And had he found help, we wouldn't be here.

23 I hear family members expressing rage, and I hear
24 family members expressing regret, and I hear the possibility of
25 some guilt being associated with not detecting, not preventing,

1 not protecting. That's misplaced guilt.

2 There is not a way, I don't think, for a mother or
3 aunt to have reasonably identified the extent of this
4 difficulty we're faced with, and you shouldn't beat yourselves
5 up about it. It's regrettable. It happened. It's not your
6 fault. You need to move on and give attention to your
7 children.

8 The defendant's mother as well. I understand, as a
9 mother, your need to, as all mothers would, I think, continue
10 to try to assist their children. I understand a need of the
11 victims' parents to try to assist them, and if you want to
12 expend energy in this matter, do it in that regard, by trying
13 to continue to help your children.

14 And one thing that I -- the sentence that I fashion
15 is going to be a little unusual in one regard, because
16 Mr. Leslie's willingness to cooperate in trying to prevent this
17 horrible crime is unusual, and I think he's uniquely situated
18 to do that. So I'm going to permit him, under the supervision
19 of the Bureau of Prisons and its psychiatric staff, to make the
20 effort that he wants to make.

21 If he is sincere about trying to make a difference in
22 this horrible arena that we find ourselves in as a community,
23 as a society, I'm going to give him the opportunity to do that,
24 if the Bureau of Prisons can manage it. I think it's laudable
25 and would be helpful.

1 So to the extent that you, Mr. Leslie, need to leave
2 here having some sense of self that is not as you described it,
3 monstrous, there's an opportunity for you. And if it can be
4 achieved, I hope that it will be, because it perhaps can help
5 us not be here in someone's life.

6 I've considered the factors required by the statute,
7 and I've considered the materials that have been presented to
8 the Court and the statements of everyone that has an interest
9 in this case today, so -- and there not being any legal reason
10 for sentence not now to be pronounced, I will have you,
11 Mr. Leslie, stand before the Court for that purpose, with your
12 attorney.

13 Andrew Ryan Leslie, on October 6th, 2017, you entered
14 a plea of guilty to Count One and Count Two of the indictment,
15 each charging you with production of child pornography, in
16 violation of Title 18, United States Code, Sections 2251(a) and
17 (e).

18 The Court previously accepted your plea of guilty and
19 has adjudged you guilty of those offenses. There is no legal
20 bar to sentencing at this time.

21 The Court has considered the argument of counsel,
22 defense counsel, its sentencing memorandum and its attachments,
23 the presentence investigation report, the argument of the
24 government, the testimony of family members and of victims, and
25 has considered, pursuant to Title 18, United States Code,

1 Sections 3551 and 3553, those matters required thereunder.

2 It is the judgment of the Court that you, Andrew Ryan
3 Leslie, be committed to the custody of the Bureau of Prisons to
4 be imprisoned for a term of 720 months, 60 years. This term
5 consists of terms of 360 months on Count One and Two, all such
6 terms to run consecutively.

7 Upon release from imprisonment, you shall serve a
8 lifetime term of supervised release. This term consists of
9 lifetime terms as to Counts One and Two and are to run
10 concurrently.

11 While on supervised release, you shall comply with
12 the standard conditions adopted by the Court in the Middle
13 District of Florida, and in addition, you shall comply with the
14 following special conditions:

15 You shall participate in mental health treatment
16 programs, outpatient and/or inpatient, and follow your
17 probation officer's instructions regarding the implementation
18 of this Court's directive.

19 Further, you shall contribute to the cost of these
20 services not to exceed an amount to be determined reasonable by
21 your probation officer's sliding scale for mental health
22 treatment services.

23 You shall participate in a mental health program
24 specializing in sexual offender treatment and submit to
25 polygraph testing for treatment and monitoring purposes. You

1 shall follow your probation officer's instructions regarding
2 implementation of this court order.

3 Further, you shall contribute to the cost of such
4 treatment and/or polygraphs, not to exceed an amount determined
5 to be reasonable by your probation officer based on your
6 ability to pay or availability of third-party payments and in
7 conformance with your probation officer's sliding scale for
8 treatment services.

9 You shall register with the state sexual offender
10 registration agencies in any state where you reside, visit, are
11 employed, carry on a vocation, or are a student, as directed by
12 your probation officer.

13 The probation officer shall provide state officials
14 with all information required under Florida's sexual predator
15 and sexual offender notification and registration statutes,
16 specifically Florida Statutes 943 -- Section 943.0435 and/or
17 the Sexual Offender Registration and Notification Act, commonly
18 known as Title I of the Adam Walsh Child Protection and Safety
19 Act of 2006, Public Law 109-248.

20 Your probation officer may direct that you report to
21 these agencies personally for required additional processing,
22 such as photographing, fingerprinting, and DNA collection.

23 You shall have no direct contact with minors under
24 the age of 18 without the written approval of your probation
25 officer and shall refrain from entering into any area where

1 children frequently congregate, including schools, daycare
2 centers, theme parks, playgrounds, and the like.

3 You are prohibited from possessing, subscribing to,
4 or viewing any images, video, magazines, literature, or other
5 materials depicting children in the nude and/or in sexually
6 explicit positions.

7 Without prior written approval of your probation
8 officer, you are prohibited from either possessing or using a
9 computer, including a smartphone, a handheld computing device,
10 a gaming console, or an electronic device capable of connecting
11 to an online service or an Internet service provider.

12 This prohibition includes a computer at a public
13 library, an Internet café, your place of employment, or an
14 educational facility.

15 You are prohibited from possessing any electronic
16 data storage medium, including flash drives, compact discs, or
17 floppy discs, or using any data encryption technique or
18 program.

19 If approved to possess or use such a device, you must
20 permit routine inspection of the device, including the hard
21 drive and any other electronic data storage medium, to confirm
22 adherence to this condition.

23 The United States Probation Office must conduct the
24 inspection in a manner no more intrusive than necessary to
25 ensure compliance with this condition. If this condition might

1 affect a third party, including your employer, you must inform
2 the third party of this restriction, including the computer
3 inspection provision.

4 You shall submit to a search of your person,
5 residence, place of business, any storage units under your
6 control, computer, or vehicle conducted by your probation
7 officer at a reasonable time, in a reasonable manner, based
8 upon reasonable suspicion of contraband or evidence of a
9 violation of a condition of release.

10 You shall inform any other residents that the
11 premises or -- and occupants of vehicles that they may be
12 subject to search, pursuant to this condition. Your failure to
13 submit to a search may be grounds for revocation.

14 You shall be prohibited from incurring new credit
15 charges, opening additional credit lines, or obligating
16 yourself for any other major purchases without approval of your
17 probation officer.

18 You shall provide your probation officer access to
19 any requested financial information.

20 You have been convicted of a qualifying felony, so
21 you shall cooperate in the collection of DNA, as directed by
22 your probation officer.

23 The mandatory drug testing requirements of the
24 Violent Crime Control Act are waived. However, the Court
25 orders that the defendant submit to random drug testing, not to

1 exceed two tests per week.

2 The victims' losses are undetermined, and the Court
3 shall set a date for the final determination of victim losses
4 within 90 days of today's date.

5 Based on your financial status, the Court waives
6 imposition of a fine.

7 Matters for forfeiture have been handled
8 administratively.

9 It is further ordered that you pay the United States
10 a special assessment totaling \$200, which is due immediately.
11 And the Court finds that your indigency and the 500 -- excuse
12 me, \$5,000 -- in light of your indigency, that the \$5,000
13 special assessment, pursuant to 18, United States Code, Section
14 3014, is not imposed.

15 After considering the advisory sentencing guidelines
16 and all the factors identified in Title 18, United States Code,
17 Section 3553(a)(1) through (7), the Court finds that the
18 sentence imposed is sufficient but not greater than necessary
19 to satisfy the statutory purposes of sentencing.

20 It's also the Court's recommendation that the Bureau
21 of Prisons, under its supervision and with its approval, permit
22 the defendant to participate in efforts to prevent and/or treat
23 pedophilia.

24 The Court's accepted your plea agreement, Mr. Leslie,
25 because it's satisfied that the agreement adequately reflects

1 the seriousness of the actual offense behavior and that by
2 accepting the plea agreement, that the statutory purposes of
3 sentencing will not be undermined.

4 To the extent permitted by your plea agreement, you
5 have the right to appeal from the judgment and sentence of this
6 Court within 14 days. Your failure to do that within the
7 14-day period will be treated as a waiver of your right to
8 appeal.

9 The government may file an appeal from the sentence
10 if it wishes.

11 You're also advised that you're entitled to the
12 assistance of counsel in taking an appeal. And if you are
13 unable to afford a lawyer, one will be provided for you.

14 If you are unable to afford the filing fee associated
15 with taking an appeal, the clerk of the court will be directed
16 to accept your notice of appeal without a fee.

17 The Court having pronounced sentence, does counsel
18 for the defendant or government have any objections to the
19 sentence or the manner in which the Court has pronounced
20 sentence, other than those previously stated for the record?

21 MR. BROWN: No objection from the United States, Your
22 Honor.

23 MR. ROSENBLUM: Your Honor, from the defendant,
24 objection is made to the Court's failure to adequately take
25 into account the mitigating 3553 factors that were brought up

1 on behalf of Mr. Leslie.

2 THE COURT: Very good. Your objection's noted for
3 the record. It will be overruled. The Court's sentence will
4 be as stated.

5 Thank you.

6 We're in recess.

7 COURT SECURITY OFFICER: All rise.

8 (The proceedings were concluded at 3:34 p.m.)

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CERTIFICATE OF OFFICIAL COURT REPORTER

UNITED STATES DISTRICT COURT)

MIDDLE DISTRICT OF FLORIDA)

I hereby certify that the foregoing transcript is a true and correct computer-aided transcription of my stenotype notes taken at the time and place indicated therein.

DATED this 2nd day of May, 2018.

s/Shelli Kozachenko
Shelli Kozachenko, RPR, CRR, CRC
Official Court Reporter

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2018, a true and correct copy of the foregoing Appendix was filed with the Clerk of the Court using the CM/ECF system, which will send notice of the electronic filing to AUSA Yvette Rhodes; and a copy of the Sealed Appendix was served via U.S. Mail to the Clerk of the Court and a copy was hand-delivered to AUSA Yvette Rhodes, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602.

/s/ Adeel Bashir
Adeel Bashir
Assistant Federal Public Defender